

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 10 December 2015

Time: 6.00 p.m.

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Ash, Clark, Cox, English (Chairman),
Harper, Harwood, Hemsley, Munford,
Paine, Paterson, Perry, Round and
Mrs Stockell

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 17 December 2015

Continued Over/:

Issued on 2 December 2015

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Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone, Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
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11. Presentation of Petitions (if any)
12. Report of the Head of Planning and Development - Deferred Item 10
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PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent, ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2015

Present: Councillor English (Chairman) and Councillors Chittenden, Harper, Hemsley, Munford, Paine, Paterson, Perry, Round, Vizzard and J A Wilson

Also Present: Councillors Boughton, Cuming, Daley and Sargeant

184. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Ash, Clark, Cox and Harwood.

185. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor Chittenden for Councillor Clark
Councillor Vizzard for Councillor Cox
Councillor J A Wilson for Councillor Ash

186. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the applications to be considered at the meeting.

187. **NOTIFICATION OF VISITING MEMBERS**

Councillor Boughton indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503957.

Councillor Cuming indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/506738.

It was noted that Councillor Daley had indicated his wish to speak on the report of the Head of Planning and Development relating to application 14/503957.

Councillor Sargeant attended the meeting as an observer.

188. ITEMS WITHDRAWN FROM THE AGENDA

14/506738 - OUTLINE APPLICATION FOR THE ERECTION OF 100 DWELLINGS - RESERVED MATTERS FOR WHICH APPROVAL IS BEING SOUGHT: ACCESS, INCLUDING ACCESS WIDENING COMPRISING RELOCATION OF WALL FORMING PART OF OUTER CURTILAGE OF BARTY NURSING HOME (GRADE II LISTED) - LAND AT BARTY FARM, ROUNDWELL, BEARSTED, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda to enable further discussions to take place. This was necessitated as a result of new issues raised by KCC Highways on 11 November 2015 following a further review undertaken by KCC of the access arrangements to the proposed development. It was noted that the previous recommendation of KCC Highways, which was to raise no objection to the application subject to the applicant entering into a S278 agreement with the County Council to secure all required off-site highway works, remained unchanged.

RESOLVED: That agreement be given to the withdrawal of application 14/506738 from the agenda.

15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT

The Committee considered the urgent update report of the Head of Planning and Development recommending that this application be withdrawn from the agenda as the public consultation period provided on the site and press notices did not expire until 20 November 2015 and the Officers had been informed that a further consultation response was being prepared by those objecting to the application.

RESOLVED: That agreement be given to the withdrawal of application 15/504345 from the agenda.

189. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 14/503957 (Gatland House, Gatland Lane, Maidstone), Councillor Harper said that he had spoken on this application at the meeting of the Committee held in March 2015. He had read the Committee report and he had not come to any strong views on the application. He would make his decision on the basis of all of the information put before the Committee.

Councillor Paine said that when application 14/503957 was last reported to the Committee he had been employed as a sub-contractor of the Education Funding Agency which dealt with free schools, but in a different division. He had spoken on the application, but he had not participated in

the voting. He had left that employment in March, and, in view of the time which had elapsed, he believed that he was now entitled to speak and vote when the application was discussed.

190. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

191. MINUTES OF THE MEETING HELD ON 22 OCTOBER 2015

RESOLVED: That the Minutes of the meeting held on 22 October 2015 be approved as a correct record and signed.

192. PRESENTATION OF PETITIONS

There were no petitions.

193. DEFERRED ITEM

13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT

The Development Manager advised Members that he hoped to be in a position to report this application back to the Committee very soon.

194. 15/503785 - TWO STOREY FRONT, SIDE AND REAR EXTENSIONS - OWLS OAK, LENHAM ROAD, KINGSWOOD, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

195. 15/501342 - OUTLINE APPLICATION FOR THE ERECTION OF 28 DWELLINGS INCLUDING AMENITY SPACE AND NATURE CONSERVATION MITIGATION CORRIDORS, APPROVAL FOR ACCESS, APPEARANCE, LAYOUT AND SCALE BEING SOUGHT WITH LANDSCAPE RESERVED FOR FUTURE CONSIDERATION. INCLUDING DEVELOPMENT AFFECTING A PUBLIC RIGHT OF WAY - LAND NORTH OF GRIGG LANE, HEADCORN, KENT

Councillor Round stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Norton, for the applicant, addressed the meeting on this application and associated application 14/503960 (Land east of Thatch Barn Road and south of Lenham Road, Headcorn).

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- The provision of 57% affordable residential units within the application site, comprising twelve affordable rent units and four shared ownership units;
- A contribution of £4,000 per applicable house (x22) = £88,000 towards the first phase of permanently expanding Headcorn Primary School;
- A Primary Land acquisition contribution of £891.69 per applicable house (x22) = £19,617.18, towards Headcorn Primary School site expansion to accommodate the extension of the School accommodation;
- A contribution of £1,344.44 to be used to address the demand from the development towards additional book stock and services at local libraries serving the development to be supplied to Headcorn Library;
- A contribution of £30,413.60 (£1,086.20 per dwelling) towards the improvement, replacement and refurbishment of areas of equipped play and outdoor sports facilities at Headcorn Recreation Ground; and
- A contribution of £185.68 towards equipment to expand the range of youth focused activities that can take place at Headcorn Village Hall,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report.

Voting: 11 – For 0 – Against 0 - Abstentions

196. 14/503960 - OUTLINE APPLICATION FOR 13 DWELLING HOUSES WITH ASSOCIATED AMENITY SPACE, SHARED ACCESS ROAD AND NEW FOOTWAY WITH ACCESS, APPEARANCE, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND EAST OF THATCH BARN ROAD AND SOUTH OF LENHAM ROAD, HEADCORN, KENT

The Committee considered the report of the Head of Planning and Development.

Mr Norton had already addressed the meeting on this application and associated application 15/501342 (Land north of Grigg Lane, Headcorn) on behalf of the applicant.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A Primary Education contribution of £4,000 per applicable house towards the first phase of permanently expanding Headcorn Primary School and a Primary Land acquisition contribution of £891.69 per applicable house towards Headcorn Primary School site expansion to accommodate the extension of the School accommodation;
- A contribution of £624.21 (£48.02 per dwelling) to be used to address the demand from the development towards additional book stock and services at local libraries serving the development, to be supplied to Headcorn Library;
- A contribution of £109.75 (£8.44 per dwelling) towards equipment to expand the range of youth focused activities that can take place at Headcorn Village Hall, to be utilised by KCC's commissioned youth worker; and
- An off-site open space contribution of £20,475 towards the enhancement, maintenance, improvement and renewal of provision for children (equipped play) and outdoor sports facilities at Headcorn Recreation Ground,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informative set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

197. 15/504845 - ERECTION OF DETACHED DWELLING IN REAR GARDEN. CONVERSION AND CHANGE OF USE OF EXISTING GROUND FLOOR FORMER PUBLIC HOUSE, ACCOMMODATION WING AND UPPER FLOOR FLAT TO 8 RESIDENTIAL APARTMENTS, INCLUDING INTERNAL AND EXTERNAL ALTERATIONS. SUBDIVIDE GROUND FLOOR TO RETAIN 2 RETAIL UNITS. NEW PARKING AND LANDSCAPING - THE KINGS ARMS PUBLIC HOUSE, HIGH STREET, HEADCORN, KENT

The Committee considered the report of the Head of Planning and Development.

Councillor Pyman of Headcorn Parish Council (against) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, and the advice of the Development Manager that the proposed reason for refusal would not be sustainable at appeal, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed conversion and new retail floorspace, due to insufficient provision of off-street car parking, would place increased pressure on local on-street car parking in this area with existing high on-

street demand contrary to the requirements of the Kent Design Guide Review: Interim Guidance Note 3 (November 2008).

RESOLVED: That permission be refused for the following reason:

The proposed conversion and new retail floorspace, due to insufficient provision of off-street car parking, will place increased pressure on local on-street car parking in this area with existing high on-street demand contrary to the requirements of the Kent Design Guide Review: Interim Guidance Note 3 (November 2008).

Voting: 8 – For 2 – Against 1 - Abstention

198. 14/503957 - APPLICATION FOR PERMANENT CHANGE OF USE TO A FREE SCHOOL (CLASS D1) - GATLAND HOUSE, GATLAND LANE, MAIDSTONE, KENT

All Members except Councillor Hemsley stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

The Development Manager advised the Committee that he wished to amend recommended condition 1 to exclude reference to the proposed two storey development area shown dashed on the proposed site layout plan.

Mr Mayatt, an objector, Mr Skinner of the Save Fant Farm Community Group (against), Mr Lea, for the applicant, and Councillors Daley and Boughton addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of conditions 1 and 6 and an additional informative as follows:

Condition 1 (amended)

The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan (received 15/09/2014);
Ground Floor Plan MD-H041G-REVA (received 15/09/2014);
First Floor Plan MD-H0411 REV A (received 15/09/2014);
Proposed Ground Floor Plan A200 REV A (received 15/09/2014);
Proposed Site Layout Plan Drawing No. JPS-DMA-00-GA-A3-003 Rev.E (received 19th October, 2015), but excluding the reference to the proposed 2 storey development area shown dashed on the plan.

Reason: To ensure the quality of development is maintained and to prevent harm to amenity and for the avoidance of doubt.

Condition 6 (amended)

Within 3 months from the date of this decision a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include an 'Active Access Management Strategy' and introduce mitigation measures proposed in Robert West Transport Statement dated September 2014 and the additional report contained in JLL's letter dated 12 May 2015, including a School Crossing Patrol. It shall also include a mechanism for information to be provided to the Local Planning Authority annually as to the implementation of measures and a mechanism for review of the School Travel Plan if considered necessary. The school shall be operated/managed strictly in accordance with the approved Travel Plan.

Reason: In the interests of highway safety and amenities of the area.

Additional Informative

It is advised that Ward Members should be involved in the discussions on the details to be submitted pursuant to the conditions in order to build relationships with the school and local community.

Voting: 9 – For 2 – Against 0 – Abstentions

199. 15/501985 - DEMOLITION OF THE EXISTING PORCH AND THE ERECTION OF A SINGLE STOREY SIDE EXTENSION WITH THE INSERTION OF ROOFLIGHTS AND CHANGES TO FENESTRATION - 639 LOOSE ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions set out in the report.

Voting: 10 – For 0 – Against 1 – Abstention

200. 15/505333 - VARIATION OF CONDITION 6 OF 14/0145 (APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION OF 7 UNITS FOR A MIXTURE OF B1, B2 AND B8 USES, INCLUDING THE RENOVATION OF THE EXISTING BUILDING, WITH APPROPRIATE PROVISION FOR ACCESS AND CAR PARKING) TO PERMIT THE RETENTION OF THE INSTALLED MEZZANINES IN UNITS F1 AND F2 - FAIRFAX UNITS F1 AND F2, PARKWOOD INDUSTRIAL ESTATE, BIRCHOLT ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report.

2. That the details of this retrospective application be drawn to the attention of the Property Services Team.

Voting: 11 – For 0 – Against 0 – Abstentions

201. 15/508037 - SUBMISSION OF DETAILS PURSUANT TO CONDITION 3: LANDSCAPING DETAILS (RELATES TO ORIGINAL APPLICATION REF: 15/503647 WHICH WAS FOR THE OVER-WINTER STORAGE OF 76 SEASONAL AGRICULTURAL AND GENERAL WORKERS' CARAVANS) - RUMWOOD GREEN FARM, SUTTON ROAD, LANGLEY, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That the details submitted to discharge condition 3 of application 15/503647 be approved.

Voting: 11 – For 0 – Against 0 – Abstentions

202. 14/506738 - OUTLINE APPLICATION FOR THE ERECTION OF 100 DWELLINGS - RESERVED MATTERS FOR WHICH APPROVAL IS BEING SOUGHT: ACCESS, INCLUDING ACCESS WIDENING COMPRISING RELOCATION OF WALL FORMING PART OF OUTER CURTILAGE OF BARTY NURSING HOME (GRADE II LISTED) - LAND AT BARTY FARM, ROUNDWELL, BEARSTED, KENT

See Minute 188 above.

203. 15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT

See Minute 188 above.

204. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Development Manager undertook to circulate the appeal decision in respect of application 13/1749 (Land east of Hermitage Lane, Maidstone) to all Members and Substitute Members of the Committee.

RESOLVED: That the report be noted.

205. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that an updated list of secured and held S106 contributions had been sent to him and the Political Group Spokespersons together with a request for feedback to be provided by 27 November 2015. A meeting would then be set up to consider the arrangements for

drawing down and spending the contributions allocated for public open space and recreation.

206. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

10 DECEMBER 2015

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

- 1.1. The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

- | | | |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| 1.2. | <u>MA/13/1979 - OUTLINE PLANNING APPLICATION FOR UP TO 55 RESIDENTIAL DWELLINGS WITH MEANS OF ACCESS. ALL OTHER MATTERS RESERVED - LAND NORTH OF HEATH ROAD, COXHEATH, MAIDSTONE, KENT</u> | <u>Date Deferred</u>

18 December
2014 |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|

Deferred to:

Seek additional details of surface water drainage (to address Environment Agency comments);

Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and

Seek further ecological surveys of the site.

Any S106 legal agreement should include a commitment from the developer to deliver the proposal.



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REPORT SUMMARY

REFERENCE NO - 14/503309/FULL		
APPLICATION PROPOSAL Conversion of 3 agricultural barns for residential use and erection of 3 new dwellings with associated car barns and landscaping.		
ADDRESS Tanyard Farm Old Ashford Road Lenham Kent ME17 2DH		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, in the context of a lack of 5 year housing supply, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. For the reasons set out, the proposal is considered to accord with the National Planning Policy Framework and represent circumstances that can outweigh the existing Development Plan policies and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from the Development Plan. - Recommendation is contrary to the views of Lenham Parish Council.		
WARD Harrietsham And Lenham Ward	PARISH COUNCIL Lenham	APPLICANT Mr Bailey AGENT Lee Evans Planning
DECISION DUE DATE	PUBLICITY EXPIRY DATE 24/04/15	OFFICER SITE VISIT DATE 26/08/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- No relevant planning history for the proposal site.
- Land to the north-west of the site is currently the subject of an outline permission for the erection of 9 houses with access to be considered at this stage and all other matters reserved for future consideration (MA/14/0174 - Land east of Glebe Gardens)

MAIN REPORT

1.0 Relevant policy

- Maidstone Local Plan 2000: ENV6, ENV28, ENV45, ENV49, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan: SP5, DM2, DM4, DM6, DM10, DM30, DM32
- Lenham Neighbourhood Plan (Reg 5 stage-area designation)

2.0 Consultation responses

2.01 **Lenham Parish Council:** Wish to see the application refused and reported to Planning Committee;

"Support conversion of existing barns, keeping the historic character of the properties, but do not support building of 3 new dwellings. The emerging Neighbourhood Plan and MBC Local Plan should be considered. Keen to see development proposals align with NHP recommendations."

2.02 **Conservation Officer:** Raises no objection.

2.03 **KCC Biodiversity Officer:** Raises no objection.

- 2.04 **Landscape Officer:** Raises no objection.
- 2.05 **Environmental Health Officer:** Raises no objection.
- 2.06 **KCC Highways Officer:** Raises no objection on highway safety grounds.
- 2.07 **KCC Archaeological Officer:** Raises no objection.
- 2.08 **KCC Public Rights of Way Officer:** Raises no objection.
- 2.09 **Environment Agency:** Raises no objection.

3.0 Neighbour representations

- 3.01 8 neighbours have made representations raising concerns over ecology/biodiversity; flood risk/drainage; not in accordance with Neighbourhood Local Plan; impact on setting of listed building; cumulative impact with neighbouring proposed developments; visual impact; and need for 3 new dwellings.

4.0 Site description

- 4.01 The proposal site is accessed from Old Ashford Road, along a track of some 140m in length that already serves 'Tanyard Farmhouse', a Grade II listed building, and the surrounding land. Views of this house and the adjacent garage/outbuilding are possible from Old Ashford Road. This access is some 40m to the east of the junction of Old Ashford Road and Groom Way, and is on the southern side of the road. The proposal site is to the east of Lenham village, outside the defined village boundary as shown in the Maidstone Borough-Wide Local Plan 2000. The site has no other environmental or historical Development Plan designations. The site is relatively linear in appearance, going southwards away from the farmhouse; a stream runs along the western boundary; and grazing/agricultural land borders the site to the east and south. A public footpath (KH399) also runs in a general east to west direction through the northern end of the site, and other footpaths do run around the site at varying distances away.
- 4.02 Within the site is a group of historic farm buildings set close to the southern side of an open yard to the south of 'Tanyard Farmhouse', and then a number of dilapidated at-cost buildings to the south of these buildings. No building within the application site is listed. A track runs through the site providing access to the agricultural land to the south.
- 4.03 The 3 historic farm buildings are positioned relatively tight together. The 'Mill Shed' is located to the west and alongside the stream is the oldest building, possibly dating from the 17th Century, and of all the buildings it is the least easy to interpret, but it may have its origins in a water mill (given its abutment to the adjacent stream and the nearby artificial ponds) and possibly be connected to a former tanyard use of the site. The 'Great Barn' is located a short distance from the 'Mill Shed', and the 'Workshop Barn' is positioned to the east of this. These two buildings both appear to be of early/mid-19th Century date. The at-cost buildings are mid-20th Century and located either side of the through-track.

5.0 Proposal

5.01 The proposal is to repair (not convert) the 'Mill Shed', for it to be used ancillary to the 'great Barn', which is to be converted into a residential unit along with the 'Workshop Barn'. The proposal would include the demolition of the 3 substantially sized at-cost buildings. To enable the development, the proposal would involve the erection of 3 detached houses and other associated buildings; and the applicant has submitted a viability appraisal that has been assessed internally by Property Services and considered acceptable. Indeed, the appraisal shows that if just the existing buildings were converted the development would result in a loss and that there would only be a very small profit if the developer built 2 new dwellings. This would create 5 new dwellings in total; and the existing access would remain unaffected by the development. In summary;

- The 'Mill Shed' will not be fully refurbished, only made safe structurally and the external fabric restored.
- The 'Great Barn' would be converted into a dwelling with a floor inserted into the west side and new internal partition walls put up to create an open plan ground floor with bedrooms, bathroom and study above. There would be alterations to the fenestration; and internally, the east side of the building would remain double height. This building would have 2 bedrooms.
- The 'Workshop Barn' would be converted into a dwelling with new internal partition walls and alterations to fenestration. This building would have 2 bedrooms.
- Both of these new dwellings would benefit from 2-bay car barns.

5.02 For all 3 barns, the existing profiled corrugated tin roof covering would be replaced with hand made plain clay tiles; the existing brickwork would be repaired and restored with bricks and mortar to match the existing; and the weatherboarding (black) would also be repaired and/or replaced.

5.03 The 3 new dwellings would be of a traditional design, and in summary;

- Plot 4 would have first floor living accommodation within the roof space, with low eaves, barn-hipped ends and rooflights. This unit would benefit from a 2-bay car barn, to be sited to the north of the main house. The unit would be a 3 bedroom house.
- Plot 5 would have first floor living accommodation within the roof space; and would have low eaves, a hipped roof and rooflights. This unit would benefit from an attached (southern flank) 2-bay car. The unit would be a 3 bedroom house.
- Plot 6 would have first floor living accommodation within the roof space; and would have low eaves, barn-hipped ends and rooflights. This unit would benefit from a 2-bay car barn, to be sited to the north of this property. The unit would be a 3 bedroom house.
- All 3 proposed dwellings would have a ridge height of some 7.5m from ground level.

- 5.04 For all of the new properties, the roof would be of hand made plain clay tiles; the facing brickwork would be of orange/red colour to match the existing barns; and the weatherboarding would be of black stained timber. Conservation rooflights would be used; and the car barns would be Oak framed.

6.0 Relevant policy/guidance

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

- 6.02 The application site is outside of the defined village boundary of Lenham. It is therefore upon land defined in the Local Plan as countryside.

- 6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

"In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) The winning of minerals; or*
- (3) Open air recreation and ancillary buildings providing operational uses only; or*
- (4) The provision of public or institutional uses for which a rural location is justified; or*
- (5) Such other exceptions as indicated by policies elsewhere in this plan.*

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources."

- 6.04 The proposed 3 new dwellings do not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.

- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. Detailed issues of harm will be discussed later in the report.

- 6.06 Paragraph 55 of the NPPF also states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, one exception being *".....where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting"*. Saved policy ENV45 of the MBWLP also allows for the conversion of rural buildings to residential use where the re-use of a redundant building would lead to an enhancement to the immediate setting.

- 6.07 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

"Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."

- 6.08 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 6.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.10 The site is considered to be in a sustainable location. Indeed, Lenham Doctors Surgery and community centre is less than 400m away to the north of the proposal site; and there is a bus stop on either side of Old Lenham Road within 400m of the proposal site that serve a regular bus service that links the village to Maidstone and Ashford. Furthermore, from the access of the site, the direct road into Lenham Village (with 30mph speed limit) benefits from street lighting and pavements, with The Square approximately 500m away to the west of the site with facilities such as a bakery, greengrocers, convenience store, library, public houses that serve food, and takeaway restaurant. There are also a number of public footpaths surrounding the site in all directions, with one leading from the site direct to the church in the village centre. Lenham is also served by a train station, and does benefit from a primary school and secondary school.

- 6.11 Lenham Parish Council Neighbourhood Plan has not yet gone out to local residents consultation (Regulation 14), and so whilst a consideration is given little weight in the determination of this planning application.
- 6.12 In summary, I consider 3 new dwellings here to be acceptable given the lack of a 5 year housing supply and the site's sustainable location; and policy ENV45 of the MBWLP supports the conversion of rural buildings of worth in the countryside. I therefore consider the principle of the development to be acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues.

7.0 Visual impact

- 7.01 The proposal site currently has the 3 barns proposed for conversion/repair at the northern end of the site, and then a number of dilapidated at-cost buildings to the south of these buildings. The proposal would see the replacement of these unattractive modern buildings/extensions with 3 low eaved and modestly sized properties and garages of a traditional and simple design. This low key and informally arranged layout would see the built development concentrated more towards the northern-end of the site, leaving the southern end more undeveloped than it is currently.
- 7.02 Whilst there would be short to medium range views of the proposal from the surrounding footpaths, particularly from the footpath that goes across the northern boundary of the site and the footpaths to the west of the site that come from Lenham village, there are already public views of the 3 barns and the existing farm buildings. In my view the scheme has been appropriately designed and would not appear significantly more dominant or visually harmful/intrusive than the current situation.
- 7.03 Indeed, this relaxed clustering of the buildings, which reflects the rural farm setting, is not considered to be so harmful to the pattern of development in the area, particularly given the appropriate scale and design of the new buildings and what they will replace. Furthermore, the principle of the submitted landscape masterplan has also been accepted by the Landscape Officer, and the landscaping scheme will be required to follow this approach closely to further soften and enhance the overall scheme. In terms of the submitted landscape appraisal, the Landscape Officer is also satisfied that because the proposal is a small scale contained development with appropriate native screen planting, it would not greatly visually extend the urban footprint of Lenham from surrounding viewpoints and raises no objection in this respect.
- 7.04 Turning to the detail of the buildings, the application is accompanied by a Heritage Statement which clearly sets out the heritage value of the 3 historic farm buildings. The Conservation Officer accepts that the buildings to be converted and repaired not only form a good group with the farmhouse and add to this Grade II listed building's significance, but are also of interest in their own right. These buildings are therefore

considered as non-designated heritage assets, and their re-use is welcomed. The removal of the at-cost buildings would also be beneficial to the setting of the listed building.

- 7.05 The residential conversion of the buildings is considered to be of a good standard, and would preserve the essential form and character of the buildings, for example by retaining the half door height of the glazed doors on the southern elevation of the 'Great Barn'; having appropriate level and design of the remaining fenestration detail; and appropriate use of traditional materials. Furthermore, the new development proposed would involve the removal of the unsightly modern additions which abut the south elevation of the "Great Barn" and more or less completely obscure it. This would be of major benefit to the significance of this farmyard group.
- 7.06 In terms of the proposed dwellings, these would be low eaved and of modest size; and in terms of design, the simple form of the buildings (with no intrusive elements such as dormer windows) and the use of traditional materials would be entirely appropriate in this context. The irregular layout proposed would also help to reflect the informal relationships between the proposed and existing buildings; and whilst there would be domestication of the site, I do not consider this unduly harmful. To further ensure a satisfactory appearance to the proposal, details of external materials, boundary treatments and planting will be requested prior to the commencement of the development.
- 7.07 Given the acceptable scale, design and positioning of the converted and proposed buildings, I am also satisfied that the proposal would not have an adverse impact on the setting of the Grade II listed 'Tanyard Farmhouse', or any other listed building. Furthermore, as a group, the existing barns contribute to the significance of the listed farmhouse, and the removal of the 20th century extensions and buildings would also be beneficial to the setting of the listed building.
- 7.08 To ensure suitable repair and retention of the non-designated heritage assets on site, a full schedule of works necessary for the conversion of the existing buildings will be requested by way of condition; and their repair will be required prior to the occupation of the development.
- 7.09 The proposal would be seen as a positive enhancement to the general character and appearance of the countryside hereabouts, and for the reasons set out I consider it to be a justified and acceptable departure from the Development Plan.

8.0 Biodiversity implications

- 8.01 As part of the application a Stream Survey, Reptile Survey, Bat Emergence Survey, and a Bat and Barn Owl Survey were submitted. After this, the applicant was also required to provide an ecological scoping survey prior to the determination of this application to assess the impact the proposed development would have on protected/notable species not described within the submitted ecological reports, and this was duly

submitted. The following assessment has been based on the submitted ecological advice and advice taken from the KCC Biodiversity Officer.

Breeding Birds

- 8.02 There are buildings and vegetation within the site which is suitable for breeding birds, and all breeding birds are legally protected under the Wildlife and Countryside Act 1981 (as amended). An informative will be added to remind the applicant that any work should be carried out outside of the breeding bird season (March to August).

Stream Survey

- 8.03 I am satisfied with the results of the stream survey which concluded there is limited potential for water voles and white clawed crayfish to be present within the stream. The closest barn to the stream is not set to be demolished and so I do not consider it necessary for a precautionary method statement to be produced in this instance.

Great Crested Newts (GCN)

- 8.04 Low populations of GCN have been recorded within 100m of the site and as such there is potential that GCN may be present within the site and impacted by the proposed development. It is considered reasonable in this instance to therefore impose a condition requesting a mitigation strategy to be submitted to ensure no GCN are impacted by the proposed works.

Bats

- 8.05 The submitted bat scoping survey identified that the 3 existing barns contained suitable features for roosting bats.
- 8.06 Emergence surveys were carried out but the Biodiversity Officer was concerned that all aspects of the buildings were not covered and bats may have emerged from the buildings without being recorded. However, after further clarification was sought, it has been fully demonstrated by the ecologist that all the areas of the buildings which contained features suitable for roosting bats were covered, and the Biodiversity Officer raises no objection in this respect. Results showed that no bats were seen to be emerging from or entering the buildings during these surveys.
- 8.07 The trees that provide suitable features for roosting bats are not expected to be lost as a result of the proposed development. This said, if in the future the trees detailed within the ecological scoping survey require tree surgery, it is recommended that an ecologist is contacted for advice prior to works starting. This will be added as an advisory informative. Lighting can also be detrimental to roosting, foraging and commuting bats, and an informative will be added advising the applicant to adhere to the Bat Conservation Trust's '*Bats and Lighting in the UK*' guidance.

Reptiles

- 8.08 The reptile survey has confirmed that there are low populations of slow worms present and a receptor site can be retained within the proposed development site (southern end of site either side of the access track). As recommended by the Biodiversity Officer, details of a mitigation

strategy must be submitted and approved to the Council before work commences on site.

- 8.09 In terms of enhancements, one of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The ecological scoping survey has recommended a number of enhancements, and a condition will be imposed requesting that a number of these are incorporated in to the development site.

9.0 Arboricultural impacts

- 9.01 There are no protected trees within the proposal site. The proposed development would see the removal of a number of Category C2 trees and a group of trees of Category B2. After consultation with the Landscape Officer, the submitted Tree Survey and Arboricultural Impact Assessment are considered accurate and acceptable, and subject to the relevant conditions I raise no objection to this proposal in terms of the removal of these trees or on arboricultural grounds.

10.0 Highway safety implications

- 10.01 The proposal would use the existing vehicle access from Old Ashford Road. I am satisfied that this access and the local road network would cope with the additional vehicle movements of 5 new dwellings. The proposal would also have sufficient off-street parking provision and turning areas for each property. I therefore consider there to be no highway safety objection to this proposed development and the Highways Officer has also raised no objection.

11.0 Residential amenity

- 11.01 Given the orientation and separation distances of the 5 properties; the positioning and angles of the fenestration detail; and the use of appropriate boundary treatments, I am satisfied that the amenity of future occupants, in terms general disturbance, light, outlook and privacy, would be adequately maintained. I am also of the view that sufficient outdoor amenity space would be provided for future occupants; and that the continuing farm traffic would not result in unacceptable living conditions enough to warrant refusal of this application. The proposed development is also a sufficient enough distance away from the farmhouse to not have a detrimental impact upon the living conditions of its occupants. No other residential property would be within a significant enough distance of this development to be adversely affected by it.

12.0 Archaeological impact

- 12.01 The application site lies within an area of high archaeological potential associated with prehistoric and Roman activity. Indeed, geophysical surveys of the fields to the west have revealed several possible industrial archaeological features and there have been isolated finds of Iron Age metal work; and formal archaeological investigations north of the Old Ashford Road have revealed ditches and pits associated with Roman cultural material, suggesting a major Roman site nearby. In addition,

there are clear indications in the landscape of utilisation of the fields and the water channels north and west of Tanyard Farm; and Tanyard Farm does respect this water channel. It may be that an industrial complex survives on this site, pre-dating the post medieval farm complex.

- 12.02 The submitted Archaeological and Historic Landscape Assessment by Wessex Archaeology provides a reasonable assessment of the archaeological and historic landscapes remains identifiable around Tanyard Farm. The report identifies the archaeological potential but there are no strong visible indications of definite remains. The Archaeological Officer is of the view that there has been reasonable assessment of archaeology at this stage and that further assessment can be undertaken post planning consent. There will need to be a phased programme of archaeological fieldwork and assessment and the Archaeological Officer recommends that a condition is imposed with any consent that there will be a staged implementation of archaeological field evaluation works, field work and timetable of works. This is to ensure an appropriate assessment of the archaeological implications of this proposed development and the subsequent mitigation of adverse impacts through preservation in situ or by record.

13.0 Other considerations

- 13.01 The Environment Agency (EA) have assessed the application as having a low environmental risk as it lies in flood zone 1 and because drainage will be discharged through mains sewer. The EA therefore have no further comments to make and on this basis I have no reason to pursue this matter further.
- 13.02 The public footpath (KH399) that runs through the northern edge of the site will not be directly affected by this proposal and the KCC Public Rights of Way Officer raises no objection to this proposal in this respect.
- 13.03 It is essential that the simple, traditional form of the converted barns and the new dwellings is preserved in order to further protect the countryside. I therefore consider it reasonable to remove all permitted development rights to extend or erect outbuildings, and to erect any boundary treatments or lay any hardstanding.
- 13.04 As mentioned previously, the applicant has submitted a viability appraisal that demonstrates that the only way to make the conversion and repair of the non-designated heritage assets viable would be to erect 3 new dwellings. Whilst this proposal is considered to be acceptable on its merits, the findings of this appraisal have been accepted.
- 13.05 Given the site's previous use for agricultural purposes, I do consider it reasonable to impose a land contamination condition to ensure the well-being of future occupants. Given the proposal's sale, nature and location, I am satisfied that an Air Quality Assessment or Acoustic Survey is not required in this instance. Foul sewage will be disposed of via mains sewer and septic tank, and surface water will be disposed of through a soakaway. I raise no objection in this respect.

14.0 Conclusion

- 14.01 The issues raised by Lenham Parish Council and the local residents have been dealt with in the main body of this report.
- 14.02 The conversion of the existing barns is considered acceptable and in accordance with saved policy ENV45 of the MBWLP. The proposed 3 new dwellings are contrary to policy ENV28 in that they represent new housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 14.03 The proposal site is considered to be in a sustainable location; and the visual impact of the proposal would be localised and would not result in a harmful protrusion into the countryside. There are also no residential amenity, highway, landscape/arboricultural, archaeological, and ecological objections. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I am satisfied that the benefits of the proposal would outweigh any harm caused. On balance, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. I therefore recommend approval subject to the appropriate conditions.

RECOMMENDATION – APPROVE with the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development shall not commence until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the buildings are maintained.

- (4) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by future occupiers.

- (5) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, in accordance with Landscape Master Plan: 2845_DR_001 received 01/04/15, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the interests of biodiversity.

- (6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

- (7) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement which shall be in accordance with BS 5837 (2012) Trees in relation to design, demolition and construction - Recommendations that shall include details of what works there will be to existing trees prior to the commencement of works together with measures for their protection (in accordance with plan: 2845_DR_003-B received 01/04/15) in the course of development;

Reason: To ensure the retention of existing trees within the site.

- (8) The development hereby approved shall be carried out in accordance with the submitted Lloyd bore Arboricultural Impact Assessment dated 4th

March 2015 unless otherwise agreed in writing by the local planning authority;

Reason: To ensure the retention of existing trees within the site.

- (9) The development shall not commence until there has been submitted to and approved in writing by the local planning authority a written schedule of repairs for the retained buildings. The development shall thereafter be implemented in accordance with these details and any changes to this would require the express consent of the local planning authority;

Reason: To ensure suitable repair and retention of a non-designated heritage asset.

- (10) No occupation of any dwelling hereby approved shall take place until the repairs to the Mill Shed (to include repairing failed/failing foundations and supports to make it structurally sound, infilling gaps in weatherboarding, repairing brickwork, removing vegetation and replacing the roof with tiles), the Workshop Barn and the Great Barn have been carried out to the satisfaction of the local planning authority, and details of which must be submitted to and approved in writing by the local planning authority;

Reason: To ensure suitable repair and retention of a non-designated heritage asset.

- (11) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority the secured implementation of an;

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;

ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority; and

iii) following on from fieldwork, a programme of post excavation and publication in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure appropriate assessment of the archaeological implications of the development and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- (12) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - All previous uses;
 - Potential contaminants associated with those uses;
 - A conceptual model of the site indicating sources, pathways and receptors;
 - Potentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment on (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To safeguard health of future occupants of buildings.

- (13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any development that falls within Schedule 2, Part 1, Class A, or any erection of outbuildings, boundary treatments or laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers.

- (14) The development shall not commence until an ecological mitigation strategy, incorporating the recommendations within the Reptile Survey (KB Ecology dated 19/08/15), the Bat and Barn Owl Survey (KB Ecology

dated 12/11/12) and the Preliminary Ecological Appraisal (KB Ecology dated 02/03/15) has been submitted to and approved in writing by the local planning authority, and shall include the following;

- i) Relocation of any trapped reptiles to area of retained habitat within the site;
- ii) Provision of bat roosting spaces;
- iii) Erection of owl boxes within the site;
- iv) Erection of bat boxes within the site;
- v) Details of how piled material/rubble or potential areas of shelter for mammals will be moved;
- vi) Provision of reptile/amphibian hibernacula and log piles; and
- vii) Details of gaps within boundary fencing to allow passage of small mammals.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be retained in that manner thereafter;

Reason: In the interest of biodiversity protection.

- (15) In accordance with the submitted Bat and Barn Owl Survey (KB Ecology dated 12/11/12), details of a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity protection and visual amenity.

- (16) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (17) The development hereby permitted shall be carried out in accordance with the following approved plans: 07897-102 Rev A and 104 Rev A received 15/08/14, 103 Rev B received 23/02/15, and 101 Rev D, 105 Rev B, 106 Rev B and 107 Rev C received 01/04/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) Bats and Lighting in the UK
Bat Conservation Trust and Institution of Lighting Engineers
Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
- o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- o Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- o Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- o Lamps of greater than 2000 lumens (150 W) must not be used;
- o Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- o Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- o Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- o Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- o Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (2) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- (3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (4) No furniture may be erected on or across the Public Right of Way without the express consent of the Highway Authority.

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.

There should be no close boarded fencing or similar structure over 1.2m high erected which will block views; no hedging or shrubs should be planted within 1m of the edge of the public right of way; and no materials can be stored on the right of way.

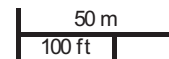
The applicant should be aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

- (5) The site contains suitable habitat for breeding birds, and so vegetation should be removed outside of the breeding bird season (March-August). If that is not possible, an ecologist should examine the site prior to works starting on the site, and if any nesting birds are identified all work must cease in that area until all the young have fledged.
- (6) A formal application is likely for connection to the public sewerage system. In order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (7) If in the future the retained trees within the site require tree surgery, the applicant is advised to contact an ecologist for advice prior to the commencement of works.

Case Officer: Kathryn Altieri

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 14



14/503411 - The Paddock, Grove House, ME17 2PX

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 14/503411/FULL			
APPLICATION PROPOSAL Residential development comprising erection of 23 dwellings (as amended by letters and accompanying plans dated 31/12/14, 5/2/15 and 6/8/15 and 25/11/15.)			
ADDRESS The Paddock Grove House Old Ashford Road Lenham Kent ME17 2PX			
RECOMMENDATION Permission granted subject to legal agreement			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development lies outside the built-up extent of Lenham and does not comply with policy ENV28 of the adopted Maidstone Borough-Wide Local Plan 2000. However, the site is in a sustainable location adjoining the built-up confines of the village and is accessible to the village centre and local services. On this basis it is concluded that the proposed development would not result in significant planning harm. In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the proposed development. As such, the development is considered to comply with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan.			
REASON FOR REFERRAL TO COMMITTEE The proposed development is a departure from the Development Plan.			
WARD Harrietsham and Lenham Ward		PARISH/TOWN COUNCIL Lenham	
		APPLICANT Southern Heritage Developments Ltd AGENT Hobbs Parker	
DECISION DUE DATE 10/12/14		PUBLICITY EXPIRY DATE 10/12/14	
		OFFICER SITE VISIT DATE 25/2/15 and 10/6/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal		Decision
			Date

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1** The application site lies to the south of the A20 Ashford Road which runs to the north of Lenham village. To the north of the A20 is the local cemetery and beyond it the North Downs AONB. To the east of the site is Lenham Community centre and doctors surgery and the recent residential development in Groom Way. To the south is Grovelands, a development of retirement properties and Atwater Court. There are 2 terraces of recent residential properties adjoining the eastern boundary and several older detached dwellings to the west. Lenham Conservation Area is situated to the south of the site.
- 1.2** The boundaries of the site are well planted with mature trees and shrubs and it is proposed that these will be retained within the layout. There is a large beech tree in

the centre of the site which was originally to be retained as part of a central green area within the development. However the Tree Officer has confirmed that the tree is in poor condition and has a short life expectancy. It is therefore proposed to remove the tree and it will be replaced by several smaller trees of a suitable species. The remainder of the site is currently covered in grass and small shrubs.

- 1.3 There is an existing access to the site from Ashford Road along the northern boundary and a secondary access to a disused BT repeater station in the NW corner of the site.

2.0 PROPOSAL

- 2.1 The proposals are for a mixed development of 23 dwellings comprising a combination of 14 open market and 9 affordable units, with a mix of 2, 3 & 4 bedroom houses and 4x1 bedroom apartments. Associated parking & car barns are included within the development with private amenity space and landscaping throughout the development.
- 2.2 The proposed access to the site is from the A20 towards the western end of the site serving the 23 dwellings and parking areas leading off the estate road on both sides. A secondary mews will be created leading off to the western part of the site serving 5 dwellings.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.8ha	0.8ha.	
Approximate Ridge Height (m)		9m	
Approximate Eaves Height (m)		5m	
Approximate Depth (m)		9-10m	
Approximate Width (m)		5-6m, 10m	
No. of Storeys		2	
Parking Spaces		30 + garages	
No. of Residential Units		23	
No. of Affordable Units		9	

4.0 PLANNING CONSTRAINTS

The site is not a specific housing allocation in the Draft Local Plan but Lenham is identified as a broad location in Policy H3(3) as being a suitable future location for housing growth subject to a range of development criteria.

Grove House is a listed building (Grade 2) situated 100m to the south
The southern boundary of the site adjoins Lenham Conservation Area
The boundary of the Kent Downs AONB lies to the north of the A20.
The village centre lies approx. 250m to the south west of the site.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

Development Plan: ENV34, ENV28

Supplementary Planning Documents: Affordable Housing DPD, Open Space DPD

6.0 LOCAL REPRESENTATIONS

A site notice was displayed for a period of 21 days expiring on 13/11/14.

3 letters of objection have been received and the main issues are summarised below:

1. The proposal would constitute ribbon development along the A20 leading out of the village.
2. The Neighbourhood Plan is being prepared and the application may be premature.
3. Fast moving traffic along the A20 would create additional traffic hazards.
4. The proposed development would place additional pressures on the existing infrastructure in term of additional traffic and pressure on local schools and medical facilities

2 letters of support have been received subject to there being no access from the application site into Grovelands and the erection of a close-boarded fence between Grovelands and The Paddock.

7.0 CONSULTATIONS

7.1 Parish Council – initial comments dated 10/11/14:

“We wish to see the application refused and called into planning committee for the following reasons.

Access concerns as the entrance to development onto A20, perilously close to a dangerous junction (Faversham Road/ A20) which is conflicting advice to other sites in close proximity to this development. (Ham Lane)

LPC are actively engaging in the development of a Neighbourhood Plan and are concerned this land is a loss of infrastructure utility area, which could be considered for car parking facilities as there is a lack of sufficient parking within the village to service the commercial and shopping amenities which LPC are keen to preserve.

As the MBC Local Plan has not been finalised or the LPC Neighbourhood Plan produced we are concerned there is a prematurity on application decisions.”

Further comments dated 22/6/15:

“Following several meetings with the developers (Southern Heritage Developments Ltd.) and Mr P Hegley, tree officer at MBC, we wish to withdraw the original objection to the proposal and no longer wish the application reported to the planning committee.

Members have considered, in depth, the details as presented on site plan 2512-02B, in which, the amendments have taken into consideration our original concerns relating to the entrance/exit from the site onto the A20 Ashford Road. The sight lines have been considerably improved (SK03A) and the speed limit of the road in proximity to the development reduced accordingly. (SK04)

We have taken into consideration the recommendations of the tree officer and noted his recommendations.

Please ensure our withdrawal of objections are noted accordingly

7.2 KCC Highways –

“The application proposes the development of 23 homes served from a new access onto the A20 Ashford Road. The A20 is subject to the national speed limit; 60mph, at the proposed point of access. A ghosted right turn lane is proposed on the A20. A vision splay of 2.4m x

215m is required from the new access along the A20 and this should be shown on the submitted plans.

Details of any injury crashes along the A20 through Lenham are required for the latest 3 year period and a safety audit is required of the proposed new junction. Speed measurements indicate that the 85%ile speed of traffic on the A20 in the vicinity of the access is 54mph in both directions. In view of the recorded speed results and the additional development proposed in Lenham, I would recommend that the speed limit is reduced to 50mph and gateway treatment is provided on the westbound approach to the village to encourage lower speeds and enhance safety. The reduction of the speed limit would be subject to a Traffic Regulation Order and this would be processed by the applicant at the applicant's cost.

The site access is 5.5m wide with a 2m footway, narrowing within the site to encourage slower vehicle speeds and leading to a shared surface. Tracking diagrams indicate that there is sufficient space within the site for access and turning by the refuse vehicle. Please also provide plans showing the tracking for the fire appliance. The existing disused access to the former BT repeater station is to be closed.

A footway link is required alongside the south side of the A20 between the site access and the existing pedestrian refuge to the west. Also a footway/cycle link is to be provided towards Groom Way. Please provide drawings showing these links. Bus stops are located along Old Ashford Road.

With regards to parking the Interim Guidance Note 3 recommends a minimum of 1 space for each 1 and 2 bedroom home and 2 independently accessible spaces for homes with 3 or more bedrooms in village locations, with an additional 0.2 spaces per property for visitors. I am concerned that parking may occur to the front of Plots 6 and 7 which would impede access for the refuse vehicle and I would suggest that a parking bay be provided to prevent this. I am not clear as to whether Plot 8 is provided with a car barn or garage and I would recommend the former. Plot 9 could be provided with a double width drive to reduce the likelihood of vehicles parking on the access close to the A20 junction. TRICs has been used to establish to traffic generation from the development and this estimates that there would be 4 arrivals and 10 departures during the AM peak and 10 arrivals and 6 departures during the PM peak."

Additional comments -

"Thank you for providing the additional details in respect of this planning application and also the RSA which has now been received.

Please could the following be included:

The speed limit should include the extent of the village: Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions.

I am concerned that the visibility splay from the access may be substandard to the west. This should measure 215m in each direction. Please could this be addressed.

7.3 KCC Economic Development –

KCC has reviewed the initial infrastructure contributions (original comments dated 23/10/15):

"Having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure', KCC have re-evaluated the previous request (October 2014) which would

have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL. Without CIL in place, we are unable to continue with some earlier requests currently.

We are continuing, with Service providers, to re-evaluate and identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office – Chief Planning Officer. There will be circumstances where 5 obligations will not generate sufficient monies to provide services required for the likes of the elderly, those with physical and learning disabilities and people living with dementia.

Following discussions with KCC service providers, the KCC requirements for this development have been reviewed and are now as follows:

- **Primary Education @ £2360.96 per applicable house** (x19) and £590.24 per applicable flat ('applicable' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) - towards the second phase of expansion of Harrietsham Primary School.
- **Libraries** - KCC require a contribution towards the extra bookstock the new borrowers from this development would require. Bookstock in Lenham at 1083 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. This development will generate new active borrowers requiring additional items at a cost of £1104.36 to service their requirements as shown in the attached assessment. The County Council will provide the additional items to the local Library, as and when the monies are received.

As set out in the original request letter, KCC would request:

- a condition be included for the provision of **Superfast Fibre Optic Broadband**, namely:
Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

7.4 NHS Property Services:

"This proposed development is expected to result in a need to invest in a number of local surgery premises: Len Valley and The Glebe practices which are within a 2 mile radius of The Paddock. This contribution will be directly related to supporting the improvements within

primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

NHS therefore seeks a healthcare contribution of £14,796. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services”.

7.5 KCC Ecology:

The initial advice confirmed that a Phase 1 Habitat Survey report has been submitted in support of the application. This ecological assessment identified the potential for protected species being present and affected by the proposed development and further surveys for bats, reptiles and great crested newts are recommended. Mitigation measures without the need for further surveys were recommended for a range of additional potential ecological impacts, including nesting birds, badgers, hedgehogs, common toads and stag beetles.

A Reptile Report, Great Crest Newt Survey Report, Great Crested Newt Mitigation Strategy and Bat Report have been submitted.

No bats were recorded emerging from the building or from the three trees with high potential for roosting bats. However, we do not agree that it can be concluded that bats recorded shortly after sunset “roosted nearby but not on site”; there are other trees on site with category 2 bat roosting potential that were not subject to a specific survey and we do not think it is possible to rule out the potential for these trees to support bat roosts on the site.

In addition, works to any of the trees with bat roosting potential (assessed as level 1 and 2 in the report) must be carried out in accordance with a method statement for sensitive working practice under the guidance of an appropriately licensed and experienced ecologist. The submission and implementation of the method statement must be secured by condition, if planning permission is granted.

The site currently also provides foraging and commuting habitat that will be affected by the proposed development; the use of sensitively designed external lighting will help to minimise the indirect impacts and the details must be secured by condition, if planning permission is granted. With respect to the loss of habitat, mitigation must be secured within the landscaping proposals through the use of native species planting and appropriate management of the retained boundary habitats.

We advise that due to the extent of semi-natural green space that will be lost as a result of the proposed development, there must be an acknowledgement that there will be a net loss of biodiversity, if planning permission is granted

We advise that the submission and implementation of method statement for the demolition of the building and works to the trees assessed as having level 1 and 2 bat roosting potential must be secured by condition. if planning permission is granted, Replacement opportunities for bats must be provided within the proposed development, and we would particularly expect these to be within the fabric of the proposed dwellings, rather than just mounted on trees on the site.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Given that the proposed development will result in a net loss of biodiversity, we advise that there should be significant efforts to incorporate biodiversity opportunities on the site by securing an appropriate landscaping strategy that incorporates native species planting and appropriate management of public open spaces.”

To minimise the potential for ecological impacts, we suggest the following condition wording:

No development shall take place until a method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed working method to achieve stated objectives, including details of temporary and permanent replacement roosting opportunities;
- c) Timetable for implementation;
- d) Persons responsible for implementing the works.

The works shall be carried out strictly in accordance with the approved details in the timescales specified in the method statement.

No development shall take place until an Ecological Design and Management Strategy (EDMS) to minimise the loss of biodiversity has been submitted to and approved in writing by the local planning authority. The EDMS shall include the following:

- a) Purpose and conservation objectives for the proposed ecological design;
- b) Detailed design to achieve stated objectives, including landscaping of private gardens and public open spaces using appropriate native species;
- c) Aims and objectives of management of public open spaces;
- d) Prescriptions for management actions;
- e) Details of the organisation(s) responsible for implementing the strategy;
- f) Details of the funding mechanism that will ensure the long-term implementation of the strategy;

The approved EDMS shall be implemented in accordance with the approved details.

There is a need to ensure that external lighting is designed to minimise impacts to bats and that works to vegetation are timed to avoid impacts to breeding birds.

7.6 KCC Archaeology -

“The site has high potential to contain remains associated with prehistoric and Roman activity. Isolated prehistoric flints have been located in the general area but more intensive activity may survive on the site. Important and extensive Roman remains have been located in the adjacent site of the Community Centre and to the south along Grove Way. This activity could certainly extend into the application site. The site lies beyond the probable medieval core of Lenham but Anglo-Saxon burials have been located within the village itself and Early Medieval settlement activity may survive in the surrounding area, within the application site.

The application is supported by an Archaeological Desk-based Assessment by ASE. This assessment is thorough and includes some assessment of historic landscape and setting issues, which is very welcome. I suggest the potential for Roman archaeology is slightly underestimated given the recent discoveries along Grove Way.

In general there has been reasonable assessment of the archaeological issues and there is clear potential for important archaeology on this site. Field assessment of this archaeological potential needs to be undertaken as soon as possible but I recommend the following condition is placed on any forthcoming consent:

“No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record”.

7.7 MBC Housing:

“The development is for a total of 23 units with the applicant proposing 40% affordable housing which equates to 9 units.

The applicant has acknowledged at section 6.16 of the submitted planning application for the need to provide 40% affordable housing in accordance with draft local plan policy DM24 and pre-application advice, although they incorrectly state that, ‘Maidstone does not have an adopted, up to date policy on affordable housing.’

There appears to be no mention of the suggested tenure split within the submitted application. Housing would be looking at a 60% affordable rented units / 40% shared ownership units in accordance with the adopted policy.

The developers proposed bedroom split, as highlighted in their application, is as follows:

Size	Total Units	Affordable	Market
1 Bedroom	4	4	0
2 Bedroom	4	2	2
3 Bedroom	10	3	7
4 Bedroom	5	0	5
Total	23	9	14

Whilst this is a good suggested mix, ideally we would be looking at obtaining one of the 4 bedroom houses for affordable use.

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

Affordable Rented Units (60%)

1-Beds (35%), 2-Beds (30%), 3-Beds (20%), 4-Beds (15%)

Shared Ownership Units (40%)

1-Beds (20%), 2-Beds (50%), 3-Beds (30%)

This would equate to the following mix:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	3	2	1

2 Bedroom	3	1	2
3 Bedroom	2	1	1
4 Bedroom	1	1	0
Total	9	5	4

However, it is acknowledged that the site plan contains a block of 4, 1 bedroom apartments which would be suitable for affordable rent. There does not appear to be mention in the application of whereabouts on the site the affordable housing is planned but a suggested affordable provision could be:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	4	4	0
2 Bedroom	2	0	2
3 Bedroom	2	1	1
4 Bedroom	1	1	0
Total	9	6	3

In terms of unit sizes, we would ideally be looking for 2-bed, 4 person dwellings, as well as 3-bed, 6 person dwellings, to help maximise occupancy, in accordance with need.

Provision for lifetime homes across all the affordable dwellings is also encouraged”.

7.8 MBC Environmental Health –

“There is no site history which leads the Council to require a ground contamination investigation.

It is not anticipated that road traffic is likely to cause undue noise disturbance.

The provision of cycle storage should be considered. Residents should be provided with a Welcome Pack promoting the use of sustainable transport. This should include information on local buses, cycle routes and links to relevant local websites with travel information.

INFORMATIVE:

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.”

7.9 MBC Heritage –

The proposed development site lies adjacent to the Lenham Conservation Area and close to a large number of listed buildings. However, the scheme as proposed is well thought out in its layout, featuring a mix of terraced, semi-detached and detached two storeyed housing of attractive neo-vernacular design. I am in agreement with the submitted heritage statement that the proposals will have no adverse impact on the setting of the conservation area or any nearby listed building; development closest to the site is of late 20th or 21st Century date.

I note from the archaeological assessment that the site has a high potential for Romano-British archaeology and moderate potential for prehistoric and post-medieval archaeology and that it is suggested that trial trenching take place in advance of development to inform any necessary mitigation measures. I would suggest that KCC Heritage Section be

consulted to see whether it is recommended that such investigation take place before determination of this application.

Recommendation: Subject to the views of KCC Heritage Section regarding archaeological matters I RAISE NO OBJECTION to this application on heritage grounds and recommend conditions relating to samples of materials, joinery details, landscaping and removal of PD rights.

7.10 MBC Landscape Officer-

"Trees on this site are protected under an area TPO, No. 4 of 1971.

The Arboricultural Impact Assessment is acceptable in principle but I have a number of concerns relating to the layout in respect of existing trees. Firstly, the building in the far southeast corner of the site (block 20-23) has a poor relationship with the adjacent trees, causing an issue with future pressure for removal. Secondly, whilst I would normally welcome any proposals to retain mature feature trees on development sites, I do have concerns about the retention of the C grade Beech tree in the position as shown. Whilst there may be potential to veteranise the tree it is located on a public open space, a high usage area, which may ultimately prove hazardous given the tree's current condition assessment. The proposals for 'no dig' construction as indicated are acceptable in arboricultural terms but I do question whether Highways would accept such construction for the main access into the site.

Many of the trees are not in great condition and I would therefore like to see a long term management proposal for phased replacement of existing trees alongside an appropriate landscape scheme which includes an enhancement to site boundaries, particularly ensuring a strong buffer to the north of the site alongside the A20. An Arboricultural Method Statement (AMS) in accordance with BS5837:2012, with details of locations of services, is also required."

Further comments dated 30/11/15

"From an ecological perspective there would be great benefit in retaining the central Beech by undertaking a programme of veteranisation with a view of allowing new adjacent planting to grow and take its place in the future. Such a programme could be asked for by way of a condition. Details of replacement planting should also be asked for by way of a condition and I would suggest that either a Common Beech or English Oak (of not less than semi mature size 20/25cm girth) be planted within the centre of the green.

To protect the replacement tree and prevent disturbance around the veteranised Beech both could be incorporated within indigenous shrub planting (using species such as Dogwood, Elder, Holly etc.) This planting area could then be mulched and fenced off with chestnut fencing. The introduction of bulb planting towards the edges of the fenced area within the grass would add further ecological and landscape interest. In addition to the planting the stacking of cordwood from the Beech within this area is also recommended by way of a suitably worded informative"

MBC Parks and Leisure

"It is clear this development offers no opportunity for provision of formal open space on-site.

It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution.

We would therefore request an off-site contribution of £36225 from the developer the calculation for which is 23 units @ £1575 per unit.

The cost per dwelling is as set out in the 'Supplementary Planning Guidelines' and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space.

The development site is located within Harrietsham and Lenham ward. This ward is typically underprovided for in terms of open space in most categories.

This would go towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development. Primarily we would request that any contribution received be given to the Parish Council for general improvements and enhancements to the amenity, open and green spaces land they own and which would be used by any new residents in the area

Such sites as William Pitt Field and Play Area and Ham Lane Play Area are within the vicinity of the development of the site and would be used by the development as they are the nearest sites with areas of equipped play. These sites are owned by the Parish Council and so we would request that monies received by the Council be transferred to the Parish"

7.11 UKPN – No Objections

7.12 Environment Agency – No comments

7.13 Natural England –

Statutory nature conservation sites – no objection

This application is in close proximity to the Lenham Quarry Site of Special Scientific Interest (SSSI).

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

7.14 Southern Water -

"Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer. The planning application form makes reference to drainage using Sustainable Urban

Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme

Specify a timetable for implementation

Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

".

7.15 River Stour IDB:

The site of this proposal is outside of any IDB district so provided that off-site surface water runoff is appropriately attenuated, to that of the Greenfield site, IDB interests should not be affected.

8.0 BACKGROUND PAPERS AND PLANS

The following documents and plans were submitted with the application:

- Design and Access Statement
- Transport Statement
- Planning Statement
- Archaeology South East
- Ecology – Phase 1 Habitat Survey and Great Crested Newt Survey
- Tree Survey, Tree Protection drawing, Arboricultural Impact Assessment

The submitted plans are as follows:

Location plan	251201A
Site Plan	251202
Detailed floor plans and elevations plots 1-23	251210-251261
Garage details –	251262/63/69
Sections -	251264/65/66
Perspectives –	251267/68
Topographical survey -	251270

9.0 APPRAISAL

9.1 Principle of Development

The site is located on the north side of Lenham village and adjoins the existing built-up area on 3 sides. It has good access to the A20 and is well related to the village centre within easy walking distance of local services and community facilities.

Lenham is identified as a rural service centre in the Draft Local Plan (Policy H3(3)) as a location for future housing growth for up to 1500 dwellings towards the end of the plan period, as defined in the policies map. Should sites come forward for development before the Local Plan is reviewed in 2021 they should be assessed against a range of development criteria including the necessary ecological and landscape surveys, transport assessments, and contributions to community infrastructure.

The site was identified as being suitable for residential development in the Housing Sites Assessment in 2014 which concluded as follows:

“This is a well contained site with strong boundaries of mature trees and hedges covering its perimeter. The site is in a good location, immediately adjacent to the village boundary, and close to the village centre, community centre and medical facility. The site can be accessed from the A20 (running adjacent to the site’s northern boundary) or from Old Ashford Road (through Grovelands, which is a retirement village adjacent to the site’s southern boundary). The site comprises a level overgrown field, with a large tree towards the centre (which should be retained) and a significant cluster of trees in the south west and south east corners of the site (again deserving retention).”

It is acknowledged that the proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, it is in a sustainable location, immediately adjoins the existing village boundary of Lenham within a general area identified as being suitable for housing development which would not result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.

Given its close proximity to the village centre and good accessibility to local facilities, shops and public transport services, the site is considered to be in a sustainable location and suitable for development. However the location adjoining the conservation area and a listed building will require a sensitive design and layout which has regard to its historic setting and the design and layout of the adjoining development.

9.2 Visual Impact

The site has a 130m frontage to the A20 and the proposed development will be visible from Ashford Road. There is an existing mature tree screen along the road frontage which will be retained to provide some degree of screening from the A20 and the open countryside to the north which is within the AONB. The proposed dwellings in the northern part of the site will be set back from the frontage to the A20 which will enable the majority of the existing trees to be retained, except for the provision of the new access which will create a small gap of approx. 10m.

The site lies to the south of the AONB and the southern boundary is defined by the A20, Old Ashford Road. The impact of the proposed development on the setting of the AONB is reduced by the mature tree screen along the northern boundary to the A20 and also by the

cemetery to the north of Old Ashford Road and a small pocket of residential development to the north of the crossroads at Faversham Road. The area further north towards the lower slopes of the North Downs to the north of the cemetery is more open and rural in character. Medium and long distance views of the site are possible from the open countryside to the north but it is well screened by mature vegetation and is seen against the backdrop of the built up area of Lenham village.

There are limited views into the site from the A20 which are to some extent mitigated by the mature tree screen along the northern boundary. The site is enclosed to the south by Grovelands (a retirement complex) comprising terraced 2 storey accommodation in an attractive woodland setting within the grounds of Grove House, a Grade II listed building”

The proposed development would round off the shape of the village on its northern side without encroaching into open countryside and would complete the pattern of development in Faversham Road to the west and the community centre to the east.

The layout has been designed to retain the majority of the existing vegetation. The proposed dwellings will be situated on average approx. 10m from the southern and eastern boundaries although plots 1-5 will be 16m from the eastern boundary in order to retain most of the existing trees.

The proposed layout is based around an estate road which runs east-west with communal parking at the end of each spur and a shared surface serving plots 9-15. As stated above it was originally intended to retain the large mature beech tree in the centre of the site as a focal point surrounded by a small green. Unfortunately the tree is in poor condition with a limited life expectancy and the Landscape Officer has recommended that it should be removed. Its removal will be subject to a requirement for a replacement by one or more trees of appropriate species in a similar position.

The trees on the site are protected by an area TPO (No. 4 of 1971). The concerns raised by the Landscape Officer have been carefully considered but there is considered to be adequate separation between Plots 20-23 and the trees along the southern boundary. The mature beech tree in the western part of the site is an important visual feature and is proposed to be retained as a focal point. A long-term management proposal for phased replacement of existing trees and a detailed landscaping scheme will be required including enhancement of the vegetation along the site boundaries, particularly along the northern boundary to the A20.

The proposed layout, density, varied house types and detailed design including a range of detached, semi-detached and terraced dwellings, generally reflect the character and appearance of the surrounding area. The proposed elevational designs incorporate traditional Kentish vernacular features including external chimney stacks, bay windows, small dormer windows and arched lintels. Traditional materials are proposed including stock brick, clay roof tiles, tile hanging, slate and render. It is considered that the overall design and layout will integrate well with the character of the surrounding development and is appropriate to this location on the edge of the village.

9.3 Impact on residential amenity

The site is flanked by established residential development on 3 sides and the development has been designed to safeguard the amenities of the adjoining occupiers from potential loss of privacy due to overlooking and general disturbance. The most critical areas of the proposed development are considered to be along the southern and western site boundaries.

Along the western boundary there is a terrace of 3 dwellings (Plots 9-11) which have rear elevations approx. 30m from the western boundary. The detached garages to the rear of Plots 9-10 provide additional separation. There is considered to be adequate separation from the nearest existing dwelling to the west, subject to satisfactory details of landscaping and boundary treatment. Plot 12 in the SW corner of the site has a similar arrangement with a detached garage between the proposed dwelling and the western boundary. The rear elevation of Plot 12 will adjoin the turning head at the eastern end of Atwater Court and will not result in any direct overlooking of existing properties to the south.

Along the southern boundary Plots 12-23 adjoin a detached garage block of garages to the east of Atwater Court. The garages provide separation between the proposed development and the existing residential properties at Grovelands, subject to satisfactory boundary screening and landscaping. Plots 12-19 have 10m rear gardens and adjoin the garage court at Grovelands. The proposed terrace of 4 dwellings in the SE corner of the site (Plots 20-23) are closer to the southern boundary, having shorter rear gardens of approx. 7m. However the nearest adjoining properties to the south are approx. 30 from the boundary which provides adequate separation.

On the eastern boundary there is an terrace of 4 dwellings at Groom Way with 20m rear gardens which adjoin the application site. The nearest proposed dwellings to Groom Way at Plots 20-23 will be 8m from the eastern boundary and will provide a gap of approx. 30m between the buildings. The community centre and doctors surgery are situated to the east but will not be affected by the proposed development.

Along the northern boundary there will be some degree of traffic noise due to proximity to the A20 but the layout in this part of the site has been designed so that the side elevations of the proposed dwellings will face the road but will be set back approx. 10-15m from the edge of the carriageway. The EHO considers that it is not anticipated that road traffic is likely to cause undue noise disturbance and with effective sound insulation measures it is considered that traffic noise will not be an issue.

9.4 Highways

The proposed access to the site from the A20 will be taken from a point approx. 100m east of the crossroads. The estate road crosses the site from NW-SE with a shorter spur serving the western part of the site.

A package of highway improvements has been requested by the Highway Authority in conjunction with the proposed improvements to the Ashford Road/Faversham Road crossroads to the west of the site. The proposed improvements comprise the following:

1. Speed limit on A20 reduced to 50mph and gateway treatment provided on the westbound approach to the village to encourage lower speeds and enhance safety. The reduction of the speed limit would be subject to a Traffic Regulation Order and this would be processed by the applicant at the applicant's cost.
2. The speed limit on the A20 should include the extent of the village from Ham Lane in the west and Old Ashford Road in the east with terminal signs being provided in advance of those junctions.
- 3 The visibility splays from the access onto the A20 to be increased from 160m to 215m x 2.4m in each direction.

4 A footway link will be provided alongside the south side of the A20 between the site access and the existing pedestrian refuge to the west. A footway/cycle link will also be provided to Groom Way.

An amended plan has been received (616353/SK03) showing the proposed highway improvements including the increased sight lines from the proposed access, an additional splitter island and speed restriction signs along the A20 and no further objections are raised.

9.5 Landscaping

The trees on the site are protected by an area TPO, (No. 4 of 1971). The Landscape Officer has advised that the submitted Arboricultural Impact Assessment is acceptable in principle but has a number of concerns relating to the layout in respect of existing trees.

The proposed dwellings in the southeast corner of the site (Plots 20-23) have a poor relationship with the adjacent trees, causing an issue with future pressure for removal. It has been agreed that the trees along this part of the site are not in good condition and could be replaced with similar species.

Whilst any proposals to retain mature feature trees on development sites is normally encouraged, the large C grade beech tree in the centre of the site has extensive structural damage and is in poor condition. Although there may be potential to carry out surgery to retain the tree in this prominent part of the site, it is located on a public open space, a high usage area, which may ultimately prove hazardous given the tree's current condition assessment. Whilst its removal is regrettable it provides an opportunity for replacement with an appropriate species such as oak

Unfortunately many of the trees within the site are not in good condition and it would be of benefit to see a long term management proposal for phased replacement of existing trees alongside an appropriate landscape scheme which includes an enhancement to site boundaries, particularly ensuring a strong buffer to the north of the site alongside the A20. An Arboricultural Method Statement (AMS) in accordance with BS5837:2012, with details of locations of services, will also be required.

9.6 Impact on ecology

The applicant has carried out detailed surveys of great crested newts, bats and reptiles in response to advice from KCC Ecology. However KCC has raised further concerns about the net loss of biodiversity due to loss of habitat comprising terrestrial habitat for great crested newts contrary to the relevant advice in the NPPF.

The applicants' ecologist has advised that for the purposes of the ecology assessment, the reports took a precautionary approach. Even though there is a reduction in the area of high and medium quality great crested newt habitat, it does not automatically follow that all animal species will be negatively impacted and some may benefit. It is claimed that a change to wildlife friendly management practices of those habitats in the public open spaces, and those under the control of a management company, have the potential to benefit wildlife.

The applicant maintains that there is sufficient material to be confident that the grant of planning permission would be appropriate, in the light of relevant guidance and case law. The development will not be able to proceed without the grant of a European Protected Species Licence, and thus there is no risk of any harm to great crested newts or their habitat, which cannot be adequately mitigated. It is contended that the other matters raised can be dealt with through appropriate planning conditions.

Works to any of the trees with bat roosting potential (assessed as level 1 and 2 in the report) will be carried out in accordance with a method statement for sensitive working practice under the guidance of an appropriately licensed and experienced ecologist. The submission and implementation of the method statement would be secured by an appropriate condition, as recommended by KCC Ecology.

The site currently provides foraging and commuting habitat that will be affected by the proposed development and the use of sensitively designed external lighting will help to minimise the indirect impacts and the details would be secured by condition. With respect to the loss of habitat, mitigation must be secured within the landscaping proposals through the use of native species planting and appropriate management of the retained boundary habitats.

A condition is therefore recommended requiring submission of a method statement relating to ecological mitigation including the trees assessed as having level 1 and 2 bat roosting potential. Replacement opportunities for bats must be provided within the proposed development which should be within the fabric of the proposed dwellings, rather than just mounted on trees on the site.

One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. Given that the proposed development will result in a net loss of biodiversity due to the extent of GCN terrestrial habitat that will be lost as a result of the development there should be significant efforts to incorporate biodiversity opportunities on the site by securing an appropriate landscaping strategy that incorporates native species planting and appropriate management of public open spaces.

KCC Ecology has advised that due to the extent of semi-natural green space that will be lost as a result of the proposed development, there should be an acknowledgement that there will be a net loss of biodiversity. It is therefore recommended that, to minimise the potential for ecological impacts conditions should be imposed requiring a method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, has been submitted to and approved in writing by the local planning authority.

In addition, no development should take place until an Ecological Design and Management Strategy (EDMS) to minimise the loss of biodiversity has been submitted to and approved in writing by the local planning authority. There is also a need to ensure that external lighting is designed to minimise impacts to bats and that works to vegetation are timed to avoid impacts to breeding birds.

Based on the above it is acknowledged that the proposals will have a negative impact on biodiversity and this issue will be referred to in the conclusion.

9.7 Infrastructure contributions.

The following contributions have been requested:

- 40% affordable housing in compliance with adopted Policy AH1
- Primary Education @ £2360.96 per applicable house (x19) and £590.24 per applicable flat towards the second phase of expansion of Harrietsham Primary School.

- Libraries - a contribution of £1104-36 to provide additional bookstock and equipment at Lenham Library
 - a healthcare contribution of £14,796 towards investment in local surgery premises: Len Valley and The Glebe practices
 - Open Space provision - request an off-site contribution of £36225 from the developer the calculation for which is 23 units @ £1575 per unit towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development.
- provision of Superfast Fibre Optic Broadband

It is proposed to secure the above contributions by S106 Agreement and a draft Agreement has been submitted with the application. The contributions have been assessed and are considered to be CIL compliant.

10.0 CONCLUSION

The proposed development lies outside the present built up extent of Lenham and does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the site is in a sustainable location close to the village centre, and adjoins the existing village boundary of Lenham and the proposed development would not result in significant planning harm.

The submitted scheme reflects the context of this part of the village adjoining the Conservation Area in terms of its density and layout and safeguards the visual and residential amenities of the area. The various contributions required by the S106 Agreement and the package of highway improvements will ensure that the proposed development will not place an unacceptable burden on local services.

The proposed development will result in a net loss of biodiversity due to the extent of terrestrial habitat for great crested newts that will be lost as a result of the development. However measures to incorporate biodiversity opportunities on the site can be achieved by securing an appropriate landscaping strategy and ecological enhancements including bat boxes, swift bricks and bird boxes.

Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is considered to be sufficient ground to depart from the adopted Local Plan.

11.0 RECOMMENDATION –

That subject to a S106 Agreement in such terms as the Head of Legal Services may advise to secure the following community infrastructure contributions under the following heads of terms:

- **40% affordable housing** in compliance with adopted Policy AH1

- **Primary Education** - £2360.96 per applicable dwelling @ £2360.96 per applicable house (x19) and £590.24 per applicable flat towards the second phase of expansion of Harrietsham Primary School - Total £44,858.24
- **Libraries Contribution** - £1104-36 to provide additional bookstock and equipment at Lenham Library
- **Healthcare contribution** of £14,796 towards investment in Len Valley and The Glebe practices which are within a 2 mile radius of The Paddock which will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.
- **Open Space provision** - request an off-site contribution of £36225 from the developer the calculation for which is 23 units @ £1575 per unit towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development (eg William Pitt Field and Play Area and Ham Lane Play Area),

the Head of Planning be delegated authority to grant outline planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with the provisions of S91 of the Town & Country Planning Act 1990, as amended by S51 of the Planning and Compulsory Purchase Act 2004

2. The development shall not be occupied until the applicant has entered into an Agreement under S278 of the Highways 1980 to secure the following works within the highway which shall be implemented before any of the dwellings are first occupied:

a). to provide a new footway along the South side of Ashford Road between the proposed access to the site and the existing pedestrian refuge to the west and to provide a footway/cycle link to Groom Way.

b). to reduce the speed limit on the A20 from 60mph to 50mph to include the section of Ashford Road between Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions.

3. Visibility splays of 2.4m x 215m in each direction shall be provided prior to occupation of the development at the proposed access from the site onto the A20 as indicated on the submitted plan and shall be permanently maintained.

Reason: In the interests of highway safety

4 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance on completion

5. Before development commences a landscape management plan for the phased replacement of existing trees alongside an appropriate landscape scheme which includes an enhancement to site boundaries, particularly ensuring a strong buffer to the north of the site

alongside the A20 shall be submitted to and approved by the LPA and implemented in accordance with the approved details. An Arboricultural Method Statement (AMS) shall also be submitted for approval in accordance with BS5837:2012, with details of locations of services, and shall be implemented in accordance with the approved details.

Reason: in the interests of visual amenity and to ensure a satisfactory appearance on completion.

6 . The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: To ensure an appropriate appearance and setting to the development.

7 All planting, seeding or turfing approved pursuant to condition 5 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory setting and external appearance to the development.

8. The garages and parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages/car parking spaces shall be used solely for the benefit of the occupants of the dwellings of which they form part and their visitors and for no other purpose and permanently retained as such thereafter

Reason: To ensure satisfactory parking provision within the site in the interests of highway safety

9. Construction of the development shall not commence until details of the proposed means of foul and surface water sewage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water

Reason: in the interests of flood prevention and public health.

10. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans,

Location plan –	- 2512-01A
Site Plan	- 251202
Detailed floor plans and elevations plots 1-23	-2512-10-2512-61
Garage details –	2512-62/63/69
Sections -	2512-64/65/66
Perspectives –	2512-67/68
Topographical survey -	2512-70

Reason: To ensure that the development conforms with the details shown on the submitted plans

11. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of the visual and residential amenities of the area.

12. No development shall take place until a method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed working method to achieve stated objectives, including details of temporary and permanent replacement roosting opportunities;
- c) Timetable for implementation;
- d) Persons responsible for implementing the works.

The works shall be carried out strictly in accordance with the approved details in the timescales specified in the method statement.

Reason: In the interests of biodiversity

13. No development shall take place until an Ecological Design and Management Strategy (EDMS) to minimise the loss of biodiversity has been submitted to and approved in writing by the local planning authority. The EDMS shall include the following:

- a) Purpose and conservation objectives for the proposed ecological design;
- b) Detailed design to achieve stated objectives, including landscaping of private gardens and public open spaces using appropriate native species;
- c) Aims and objectives of management of public open spaces;
- d) Prescriptions for management actions;
- e) Details of the organisation(s) responsible for implementing the strategy;
- f) Details of the funding mechanism that will ensure the long-term implementation of the strategy;

Reason : In the interests of biodiversity

14. No development shall take place until the applicant has secured the implementation of

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

15 There shall be no vehicular access to the site via Grovelands to the south of the application site

Reason: In the interests of the residential amenities of the area

16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without

modification), no extensions to the dwellings hereby permitted shall be erected other than those expressly authorised by this permission.

Reason : in the interests of the visual amenities of the area

17. Before work commences full details of existing and proposed ground levels and finished slab and floor levels shall be submitted to and approved by the LPA and the development shall be undertaken in accordance with the approved details.

Reason in the interests of the visual and residential amenities of the area.

18. No lighting shall be placed or erected on the site including the site of the proposed community facilities without the prior approval of the Local Planning Authority. Any lighting details for the community facilities that are submitted shall include inter-alia;

- a) Details of the lighting pylons and luminaires, which shall be of an asymmetric type.
- b) Details of lighting plots showing the dispersal and intensity of light/lux level contours within the site and demonstrating that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2.
- c) Details of measures to prevent excessive light spillage outside any floodlit areas.

Reason: To prevent light pollution and in the interests of residential amenity

19. Details of a scheme to provide sources of renewable energy shall be submitted to the LPA before development commences and the approved details shall be implemented before the development is first occupied.

Reason: to achieve a sustainable form and energy efficient form of development.

20. Details of the siting of bird and bat boxes, bat bricks and swift bricks shall be submitted for approval before development commences and shall be installed at suitable locations within the site in accordance with the approved details.

Reason: in the interests of wildlife protection.

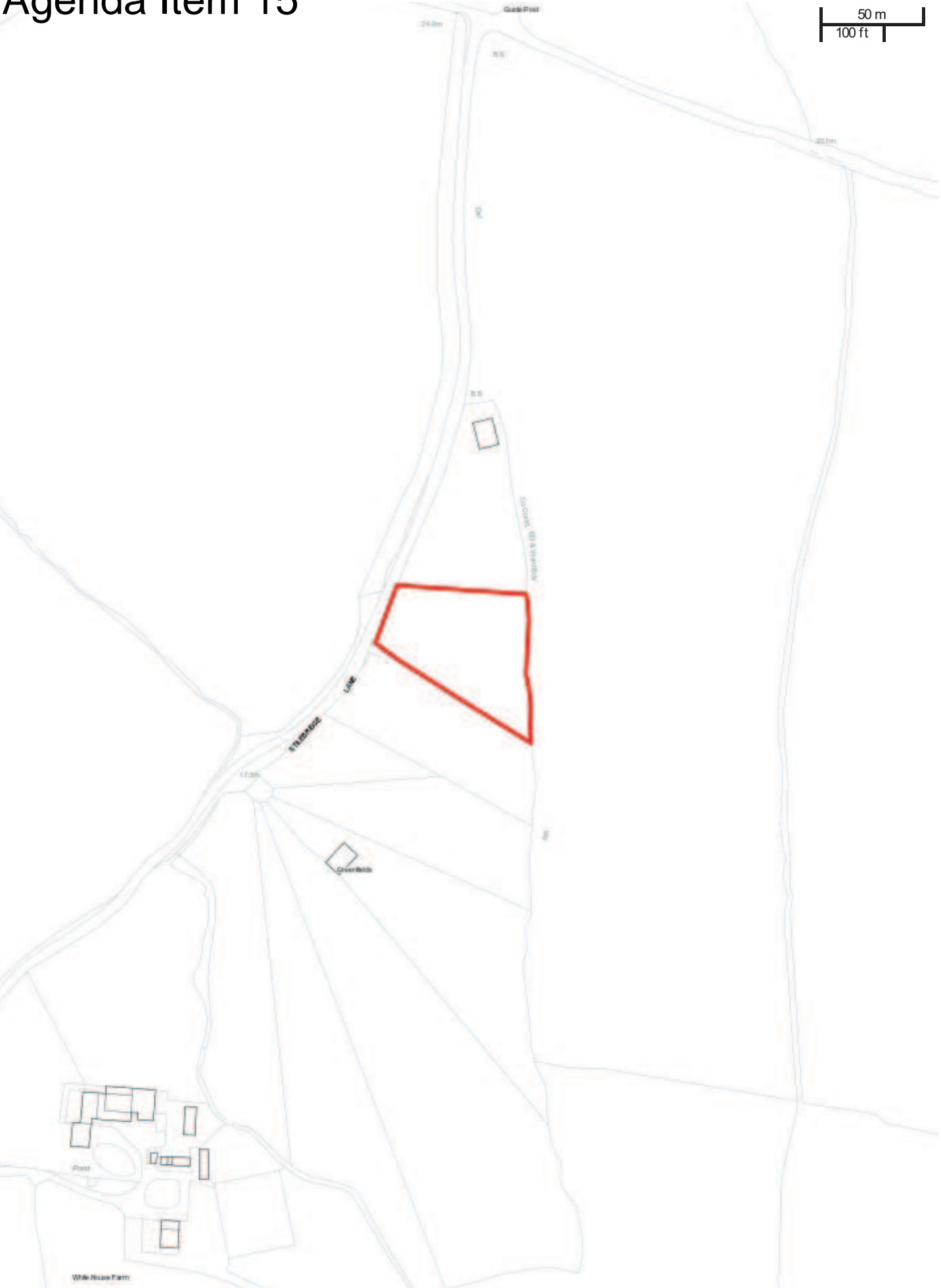
INFORMATIVES

1. As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected."

Case Officer: Tim Bloomfield

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

Agenda Item 15



REPORT SUMMARY

REFERENCE NO - 14/506183/FULL		
APPLICATION PROPOSAL Placement of 2 No mobile homes, utility blocks, touring caravans and stables and open paddock area		
ADDRESS Stilebridge Paddock, Stilebridge Lane, Linton, Kent		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Linton Parish Council wish to see the application refused.		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Linton	APPLICANT Mr Joe Smith AGENT Mr Martin Potts
DECISION DUE DATE 15/12/15	PUBLICITY EXPIRY DATE 26/11/15	OFFICER SITE VISIT DATE 10/07/15
RELEVANT PLANNING HISTORY:		

MA/13/2198 - Application to vary condition 2 of MA/10/1555 to allow siting of 1 additional static caravan and 1 additional touring caravan – Withdrawn

MA/10/1555 - Use of land for stationing of 2 mobile homes and 2 touring caravans for gypsy/traveller occupation and the keeping of horses plus erection of stables, two utility/day rooms, hardstanding and septic tank – Approved with conditions

MAIN REPORT

1.0 Site description

1.01 The application site is located on the eastern side of Stilebridge Lane, to the south of 'Stilebridge Paddock' and to the north of other gypsy sites including 'Stilebridge Stableyard' and 'Greenfields'. The site is some 0.4ha in area, and the eastern (front) and western (rear) boundaries benefit from well established, mature shrubs and trees. As evident on site, the northern and southern boundaries have been recently planted with native hedging (Hawthorn, Maple, Hazel and Blackthorn); and the land is a well maintained grass area with an access track laid. Post and rail fencing encloses the site, and the existing access is from Stilebridge Lane. The site is some 500m to the north-east of the A229/Stilebridge Lane junction and is within the countryside as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP).

2.0 Background history

2.01 'Stilebridge Paddock' to the north has a permanent, non-restrictive permission (under MA/10/1555) for 2 mobile homes and 2 tourers. MA/10/1555 included the current site but development was restricted to the northern part.

2.02 This proposed development is to the south of this site, beyond the plum orchard that provides a soft buffer between the 2 areas.

- 2.03 Mr Joe Smith (the applicant for this application), with his wife, son (Joe) and 2 daughters, occupies the site to the north.

3.0 Proposal

- 3.01 The proposal is for the change of use of the land for the stationing of 2 mobile homes with 2 tourers, 1 utility room and 1 stable building with paddock area.
- 3.02 The 2 pitches are for Mr Smith's 2 sons and their families. One unit will be occupied by Mr Aby Smith (22 years of age) and his partner and 2 young children, and the other unit will be occupied by Mr Jack Smith (24 years of age) and his partner and 3 young children.
- 3.03 At the time of my site visit a driveway through the site had been laid and entrance gates erected; and largely ornamental shrubs and trees had been planted directly in front of the entrance gates, with further native planting along the southern boundary. It should be noted that the current track is temporary and the layout as shown on the submitted block plan (ref:P767/1 received 05/08/15) is that proposed. Access into the site is from an existing access onto Stilebridge Lane.
- 3.04 The utility room would measure some 11.5m by 5.5m in floor area; and with its dual pitched roof would stand some 4.2m in height from ground level. The 2 mobile homes and the utility room would be located to the rear of the site, close to the site's eastern boundary.
- 3.05 The proposed stable block would take on a general 'L' shape, and at its longest would measure some 15m and at its widest measure some 7.2m. With its hipped roof, the proposed stable block would stand some 3.5m in height from its ridge to ground level. The stable block would be sited towards the rear of the site, along the southern boundary of the site, with the paddock area centrally located within the site. There would be approximately 4/5 horses on the site at any one time, however this will only be in the winter in bad spells of weather. Horses will only be kept in the stables during severe weather conditions, and are predominantly kept in various paddocks in the Wierton Hill area. The horses are not for business use.

4.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV28, ENV46
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, DM26

5.0 Local representations

- 5.01 1 neighbour has made representations raising concerns over the proposal going against the previous planning restrictions on the adjoining site; harm to the countryside and the cumulative impact of the proposal with other planning applications/sites; and that the proposed homes are not mobile homes.

6.0 Consultation responses

6.01 **Linton Parish Council:** Wish to see the application refused and request the application is reported to Planning Committee;

"1. The application site was identified by a plan showing it to be adjacent to and south of a site for which conditional planning permission was granted to Mr Bill Lee under MA/10/1555 for the stationing of two mobile homes and two touring caravans for Gypsy/Traveller occupation etc. (Condition 2). Condition 4 provides that the site is not to be used as a caravan site by any persons other than gypsies and travellers as defined in ODPM Circular 01/2006.

2. By Application MA13/2198 dated 18 December 2013 permission was sought to vary the above Condition 2. The applicant was a Mr Joe Smith. Accompanying the Application was a Completion of Registration Statement by the Land Registry showing as registered proprietors Joe Rocky Smith and Sharon Smith. The latter had not been shown as a co-applicant. It is not known whether either of these persons complied or comply with the above Condition 4. As a Mr Joe Smith is identified as applicant in the current Application 14/506183/FULL, please indicate whether the Borough is thoroughly satisfied that he and Sharon Smith have been and continue to be within the above definition as subsequently adopted in the Government's NPPF and 31 August 2015 definitions in its Planning Policy for Traveller Sites.

3. Your email indicates that Application 13/2198 has been withdrawn.

4. The present Application 14/506183/FULL seeks to change the use of the southern block of the whole site of which the Smiths appear to be registered proprietors from "Open Land" to the placement of two mobile homes, utility blocks, touring caravans (number unspecified) and stables and open paddock. Plans accompanied a letter to you from Martin Potts Associates dated 5 August 2015. The Utility Block is now 11.5m x 6m. There are five stables. Potts' Plan P/767/1 shows the extent of the north and now the proposed south blocks to be quite inconsistent with the countryside protection policies specified in Conditions 2 and 4 when MA/10/1555 was granted planning permission.

The applicant seeks, through the agent and his own subsequent letters shown on line, to persuade the Planning Authority that the proposed expansion is justified under Traveller's guidance for the occupation of Mr Joe Smith, two sons and families. The sons, aged 22 and 24, are described as having "a nomadic demeanour and generally work in the same civil engineering business of resurfacing, tarmacing etc". There are two mothers and six children. "The proposed units will allow them to settle into one area next to their parents and grandparents". The Council remains clearly of the view that this group does not comply with the Government's latest requirements (a) whether they have previously led a nomadic habit of life [hundreds of thousands of people travel to and from their places of work yet are not of nomadic habit] and (c) whether there is an intention of living a nomadic habit of life in the future and, if so, how soon and in what circumstances [there has been no answer]? The Parish Council reiterates its opposition to the further extended traveller development in Stilebridge Lane to which planning consent would lead. Moreover it is noted that it is not contemplated in the additional Gypsy Site Allocations in the latest Borough Plan Consultation which concluded on 30 October."

6.02 **Boughton Monchelsea Parish Council:** They are the adjoining parish council and wish to make the following comments;

"The Parish Council would like to support Linton Parish Council's comments about the need for clarification about the status of outstanding applications. Without this clarification it is very difficult to see how this application sits with those remaining applications and what would be consented to or not.

We wish to refer to and reiterate our previous comments made in response to the January 2015 application and consultation. These are;

- 1. The proposal constitutes an over concentration of sites in this location, which would cause material harm (NB Location is across several parish boundaries but focused in this specific area).*
- 2. The utility blocks are too big for the site and for the domestic use for which they are proposed. The units are almost as big as the mobile homes that they are intended to be ancillary to.*
- 3. If the Borough Council is minded to approve this application then the proposal should be adequately screened from the local road and from the local countryside beyond."*

6.03 **Environmental Health Team:** Raise no objection.

6.04 **KCC Highways:** Raise no objection.

6.05 **Environment Agency:** Raises no objection.

7.0 Principle of development

7.01 There are no saved Local Plan policies that relate directly to this type of development. Policy ENV28 of the MBWLP relates to development in the countryside stating that;

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers."

7.02 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a 'saved' policy.

7.03 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.

7.04 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). Whilst this work is set to be revisited in light of the changes to the PPTS, at this time it has not commenced and this information does remain the current need figure. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2017	-	25 pitches
April 2017 – March 2022	-	27 pitches
April 2022 – March 2031	-	30 pitches

Total: Oct 2011 – March 2031	-	187 pitches
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- 7.05 These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan.
- 7.06 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Draft Policy DM26 of the Regulation 18 version of the Draft Local Plan accepts that this type of accommodation can be provided in the countryside provided that certain criterion is met. The Draft Plan also states that the Borough's need for gypsy and traveller pitches will be addressed through the granting of permanent planning permissions and through the allocation of sites. The timetable for adoption is currently for the latter half of 2017.
- 7.07 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

Need for Gypsy sites

- 7.08 The PPTS gives guidance on how gypsy accommodation should be achieved, including the requirement to assess need.
- 7.09 As stated above, the projection accommodation requirement is as follows:

Oct 2011 – March 2016	-	105 pitches
April 2016 – March 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

- 7.10 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):
- 69 Permanent non-personal permissions
 - 10 Permanent personal permissions
 - 3 Temporary non-personal permissions
 - 31 Temporary personal permissions
- 7.11 Therefore a net total of 79 permanent pitches have been granted since 1st October 2011. As such a shortfall of 26 pitches remains outstanding.
- 7.12 It must be noted that the requirement for 105 pitches in the initial 5 year period includes need such as temporary consents that are yet to expire (but will before the end of March 2016) and household formation. This explains why the need figure appears so high in the first 5 years.

Gypsy status

- 7.13 Since the application was submitted, the Government has issued revisions on the national planning guidance for Gypsy & Traveller development

contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' has been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

- 7.14 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 7.15 The applicant has confirmed that since 2010/2011 (if not before), both sons have separately travelled around the country (staying on a number of sites, including in the New Forest, Wickford, Sheerness, Essex, Bournemouth, Canterbury and Maidstone) for work including block paving, tarmacking, tree work, and roofing. The applicant has also confirmed that both sons will continue to travel for work, with their partners and children settled at the site so that the children can hold a regular place at nursery/school and the doctors. It should also be noted that during the school summer holidays, each son tends to travel with their whole family. With the evidence before me, I am of the view that both sons lead a nomadic habit of life and accept that they fall within the gypsy status definition.

Sustainability

- 7.15 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is some 500m to the north-east of the A229/Stilebridge Lane junction. In my view, I do not consider the site to be so far removed from basic services and public transport opportunities as to justify grounds to refuse this application in terms of being unsustainable; and clearly other gypsy sites have been allowed next door.

8.0 Visual impact

- 8.01 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact is outlined, however, this is addressed in the NPPF and saved Local Plan policy ENV28.
- 8.02 The application site is not located in an area designated for its landscape value and is well screened by mature boundary planting along the eastern

and western boundaries, which are to be retained as a part of the development. In addition, the site is well screened to the north by the boundary planting surrounding the existing development at 'Stilebridge Paddock'; and to the south, the roadside hedges and the existing development at the other gypsy sites also provide a good level of screening. The applicant has also recently planted native hedging along the northern and southern boundaries of the site, and the planting area to the front of the access (within the site) will be enhanced with further native planting that will be ensured by way of condition. I am satisfied that there are good levels of natural and built screening, in short range views from Stilebridge Lane and from wider views from the A229 to the west and the network of country lanes to the north and east, with main views of the site likely to be through the point of access. The caravans, utility room and stable block would be set back into the site, and the access roads (as shown on drawing no. P767/1 received 05/08/15) are not considered excessive. I consider this level of built form to be modest and of a reasonable scale for this site in this rural location. In my view this type of low level development here can be satisfactorily accommodated without having a significant adverse impact on the character of the countryside. I am therefore satisfied that the proposal would not be an intrusive feature in the countryside from either medium or long distance views.

- 8.03 The development approved under MA/10/1555 was restricted to the north of the site in order to keep the mobile homes and buildings grouped together rather than spreading the development out over a larger site. Representations have now been made questioning why it is now acceptable to develop the south of the site. Planning permission was granted for a small development on a smaller area, and for the reasons outlined above I am satisfied that this current proposal would not appear visually dominant or incongruous in the countryside hereabouts and raise no objections in this respect.

9.0 Residential amenity

- 9.01 There are other gypsy sites in close proximity to the site and no house would be within 100m of the site. A residential use is not generally a noise generating use, and I am satisfied that the proposed development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of general noise and disturbance, and privacy.

10.0 Highway safety implications

- 10.01 The site benefits from an existing access; I am satisfied with the visibility splays; and I also consider the local highway network to be capable of accommodating any additional (and relatively low) vehicle movements to and from the site. There would also be adequate parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have also raised no objection.

11.0 Landscape and biodiversity implications

- 11.01 There are no protected trees on site, or immediately adjacent to this site. However, there is well established boundary planting along the eastern and western boundaries, and new native hedge planting along the northern and southern boundaries. So whilst there are no arboricultural grounds on which to object to this application, the imposed landscaping condition will ensure that the existing planting along the boundaries shall be retained. The planting directly in front of the vehicle access will also be enhanced through additional native planting.
- 11.02 The existing boundary planting is to be retained as part of this application; the access road has already been laid; and the site is largely well mown grass. I am therefore of the view that this proposal is unlikely to have a significant impact on any protected species or habitats and do not consider it reasonable to request any further information in this respect.

12.0 Equestrian use and stables

- 12.01 The application makes provision for the keeping of horses and for the erection of a stable block. It is quite common for gypsies to keep horses, and to find stables in the countryside; and I do not consider that such a use and the erection of the proposed modestly sized and appropriately designed and located building would have any significant negative impact on the character, appearance, amenity and functioning of the area. The applicant has confirmed that the horses are for personal use and a condition will be attached to any consent restricting the equestrian use to private stabling.

13.0 Other considerations

- 13.01 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk and drainage; and the proposal will include 2 'Klargester' treatment plants which I consider to be acceptable in terms of waste disposal. The Environment Agency raises no objections and recommended informatives which have been added.
- 13.02 There are other gypsy and traveller sites on Stilebridge Lane but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm; and given that there are no houses within 100m of this site, it would not dominate the nearest settled community or place undue pressure on the local infrastructure.
- 13.03 I am satisfied that the 2 mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this; and that that the utility blocks are of an appropriate size for their intended use.

14.0 Conclusion

- 14.01 The issues raised by the one neighbour and the Parish Councils have been addressed in the main body of this report. I would add that whilst Mr Joe Smith is the applicant and the landowner, it is the circumstances of his 2

sons and their families, as the intended occupants, that this application has been assessed on.

- 14.02 In my view the determination of this application centres on the balance to be struck between the limited harm to the character and appearance of the countryside and the on-going need to provide accommodation for gypsies. I am of the view that the proposed development would not result in severe visual harm to the character and appearance of the countryside hereabouts, and consider it an acceptable development in the countryside. There is no justifiable reason here for a temporary or personal permission and I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT PERMISSION subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

- (3) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

Reason: To safeguard the character and appearance of the countryside.

- (4) If the use hereby permitted ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including hardstandings, stable blocks and utility rooms shall be removed within 3 months of cessation;

Reason: To safeguard the character and appearance of the countryside.

- (5) The development shall not commence until details of all fencing, walling and other boundary treatments shall be submitted for approval in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To safeguard the character and appearance of the countryside.

- (6) The development shall not commence until details of any external lighting within the site shall be submitted to and approved in writing by the local planning authority and anything else beyond this will require further written consent from the local planning authority;

Reason: To safeguard the character and appearance of the area.

- (7) The development shall not commence until details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) Enhancement of planting area in front of the vehicle access with native planting;
- ii) The retention of the existing planting along all four boundaries of the site.

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To safeguard the character and appearance of the countryside.

- (9) The stable building and equestrian use of land hereby permitted shall only be used for the private stabling and keeping of horses in the ownership of the occupiers of the lawful residential use of the site hereby permitted and when no longer used for these purposes shall, together with any other related development, be demolished and the resulting material removed from the land to the satisfaction of the Local Planning Authority;

Reason: To ensure that adequate security and supervision is provided for the animals kept on the land.

- (10) No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside.

- (11) The development hereby permitted shall be carried out in accordance with plan P767/1 received 5th August 2015;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) The applicant is reminded that there should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. The Environment Agency will not support infiltration systems where they could lead to pollutants discharging to ground or to the creation of new pathways for pollutants to groundwater or mobilise contaminants already in the ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to controlled waters.
- (2) All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency's guidance "PPG1 - General guide to prevention of pollution", which is available on their website at www.environment-agency.gov.uk.
- (3) Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:
- i. Duty of Care Regulations 1991
 - ii. The Waste (England and Wales) Regulations 2011
 - iii. Hazardous Waste (England and Wales) Regulations 2005
 - iv. Pollution Prevention and Control Regulations (England and Wales) 2000
 - v. Environmental Permitting (England and Wales) Regulations 2010

Case Officer: Kathryn Altieri

NB: For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 16



15/503579 - Land East of Tovil Green, Tovil

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/503579/FULL		
APPLICATION PROPOSAL Erection of 24 residential units together with associated parking and landscaping on land located to the East of Tovil Green.		
ADDRESS Land East Of Tovil Green Tovil Maidstone Kent		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ED1 of the Maidstone Borough-Wide Local Plan 2000, however given the lack of interest in employment redevelopment and the immediately adjacent residential development a departure from that policy would be likely to result in only minor harm. In this instance, the provision of housing is considered to be an overriding benefit to justify departure from this policy of the Development Plan, subject to the appropriate conditions.		
REASON FOR REFERRAL TO COMMITTEE It is a departure from the Development Plan.		
WARD South Ward	PARISH COUNCIL Tovil	APPLICANT Westerhill Homes AGENT Chartway Group
DECISION DUE DATE 15/12/15	PUBLICITY EXPIRY DATE 24/11/15	OFFICER SITE VISIT DATE 29/05/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- MA/12/1541 - Erection of four blocks of two and three-storey terraced houses comprising 12 two-bedroom and 12 three-bedroom houses for affordable rent with associated private amenity space and car parking – Refused (Dismissed at appeal)

Land to east comprises development of care apartments:

- MA/06/1933 - A consultation with Maidstone Borough Council by Kent County Council for clearance of land to allow the erection of a detached three storey block of 40 extra care apartments for people with learning difficulties, with associated communal facilities – No objection raised (application was subsequently permitted KCC in 2006 and it is built)
- Number of planning applications in 1980's and 1990's for various warehouse developments

MAIN REPORT

1.0 Site description

- 1.01 The application site is located on the east side of Tovil Green, with Tovil Green Lane running along the site's northern boundary; and it is some 175m north of the junction with Farleigh Hill. For the purposes of the Maidstone Borough-Wide Local Plan 2000 (MNWLP) the proposal site is designated as employment land under saved policy ED1(iii), and so this residential proposal has been advertised as a departure from the development plan. This said, the site is not currently in employment use; and part of the larger designated employment area is already occupied by a residential development (Tovil Green Court). The proposal site is currently partly hardstanding, partly grass, and is also covered by a

number of close growing often multi-stemmed trees with the exception of a significant Ash tree in the south-west corner of the site.

- 1.02 The site measures some 0.54ha in area and takes on a general rectangular shape. It is bounded to the west by Tovil Green road; to the north by Tovil Green Lane serving the adjacent residential development to the east; and to the south by a private dwelling (20 Tovil Green), and behind Tovil Green Business Park and part of the car parking area for the Tesco store on Farleigh Hill.
- 1.03 The site falls eastwards by approximately 2.7m from Tovil Green to the car park for Tovil Green Court on the site's eastern boundary; it also falls some 8.5m from south to north, although the south west corner of the site is a steeply sloping bank; and away from the banking, the fall south to north is a more modest 3m (approximate).

2.0 Proposal

- 2.01 Full planning permission is sought for the erection of 24, 2-storey, houses, with 8 of these being 2-bed and the remaining 16 being 3-bed properties. In terms of layout, the properties would be split into 6 terraces of 4, with the 3 terraces to the south of the site facing into the site; 2 terraces along the northern boundary facing onto Tovil Green Lane; and the remaining terrace facing onto the access road into the proposal site. Access into the site would be from Tovil Green Lane. No affordable housing will be provided, which will be discussed later on in the report.
- 2.02 The proposal includes 32 parking spaces and 1 visitor parking space, resulting in approximately 1.4 spaces per house; in general terms, parking for each property would be provided to the front of each house; and in terms of surfacing, the allocated parking spaces will be of block paving.
- 2.03 The 3-bed properties will all front into the site and in terms of general parameters would stand some 9m in height from their ridge to ground level; have an eaves height of some 5m; and would measure some 9m in depth. The proposed 2-bed properties will front onto Tovil Green Lane, and would stand some 8.7m in height from their ridge to ground level; have an eaves height of some 5m; and would measure some 8.3m in depth. In terms of materials, the proposal would use red stock facing brick; clay roof tiles; and white weatherboarding. Each property would benefit from an open canopy feature over the front door; the roofs of each terrace would feature barn-hipped ends; soldier coursing detail has been added over much of the fenestration detail; the 3-bed properties would have individual pitched roof elements over a number of front elevation windows; and through further negotiation with the agent, white weatherboarding at first floor level to a number of the houses has also been added. One of the 2-bed terraces (fronting onto Tovil Green Lane) would also see 2 of the houses staggered 2m further forward than the other 2 properties, and have a set down of some 0.4m in terms of ridge heights.

- 2.04 Given the topography of the land, the proposal will involve the use of retaining walls, and garden separation between the properties would be of 1.8m high close boarded fencing. Rear garden sizes will vary between 8.5m-12m in length. The submitted plans show the retention of a number of perimeter trees, particularly along the western/south-western corner of the site; and proposed planting is also shown along the boundaries and within the site

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, ENV49, ED1, T13, CF1
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Affordable Housing DPD (2006)
- Open Space DPD (2006)

4.0 Consultee responses

- 4.01 **Tovil Parish Council:** Recommends approval of application.
- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Landscape Officer:** Raise no objection.
- 4.04 **Biodiversity Officer:** Raises no objection.
- 4.05 **Housing:** Stated that until the viability report has been assessed, they oppose the development being provided with no affordable housing on this site. Housing were reconsulted on the District Valuer's findings, but no further comments have been received.
- 4.06 **Environmental Health Officer:** Raise no objection.
- 4.07 **Environment Agency:** Raises no objection.
- 4.08 **Southern Water:** Raise no objection.
- 4.09 **KCC SUDS:** Raises no objection.
- 4.10 **UK Power Networks:** Raise no objection.
- 4.11 **KCC Archaeology Officer:** Wishes to make no comment.
- 4.12 **Kent Police:** Raise no objection.
- 4.13 **NHS Property Services:**

"NHS Property Services Ltd seeks a healthcare contribution of £20,217.60. This proposed development is expected to result in a need to invest in these local surgery premises:

- *Lockmeadow Clinic*
- *The College Practice*

The above surgeries are within a 1 mile radius of the development at Tovil Green. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity."

4.14 **KCC Education:**

"Primary Education

The County Council requires a financial contribution of £56,663.04 towards construction of the additional classroom at South Borough Primary school.

Secondary School Provision

No contributions sought.

Library Bookstock

The County Council requests £1152.38 to deliver additional books to mitigate the impact from this development.

Superfast Fibre Optic Broadband

To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings."

4.15 **Parks and Open Spaces:**

"We request an offsite financial contribution of £37,800 towards the improvement, refurbishment and maintenance of Bridge Mill Way Open Space."

5.0 Neighbour responses

- 5.01 4 representations received raising concerns over parking provision and congestion; highway safety; disruption during construction phase; added pressure on local amenities and infrastructure; loss of trees; cramped development; no affordable housing; impact on biodiversity; loss of privacy; noise; and light pollution.

6.0 Background history

- 6.01 It should be noted that planning permission for the erection of 24 houses (100% affordable) was overturned and refused (decision issued 27th June 2013) by Members of the Planning Committee under MA/12/1541 for the following reason;

"The proposed development, by virtue of its layout and design would fail to respond positively to the sylvan nature of the site and would result in significant harm to the character and appearance of the area. The proposal is therefore contrary to the guidance contained within the National Planning Policy Framework 2012."

- 6.02 The applicant at the time subsequently appealed this decision and the Planning Inspector dismissed the appeal (27th January 2014), but only because of the absence of a section 106 legal agreement securing the provision of the affordable housing. Indeed, the Inspector at the time conceded that the loss of the group value of the trees would reduce the site's verdant contribution to the area in the short term, but that a suitable landscape scheme (including the retention of the Ash tree and a 'wild' area in the south-western corner of the site) once established would help to soften the visual impact of the development and make a different but equally valuable contribution to the verdant qualities of the area. The point was also made that developing the site for employment purposes would also result in tree removal and public views of built development.

- 6.03 The Planning Inspector considered the development to be consistent with the NPPF and saved development plan policies ENV6 and ENV22, in the sense that it would be sustainable and of good design that would positively respond to the local character of the area. So whilst this previous scheme was different in terms of design and layout, it was for 24 dwellings and the Planning Inspector was satisfied that this scale of residential development here would not cause adverse harm to the character and appearance of the surrounding area. This is a material consideration in the determination of this application.

7.0 Principle of development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 In terms of location, Development Plan policy and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "*Housing applications should be considered in the context of the presumption in favour of sustainable development*". The site is within a sustainable location.
- 7.03 The site is part of a larger area designated as an employment site under saved policy ED1 of the MBWLP. However, it should be noted that no interest has been shown in developing the site for employment purposes, and that the majority of the designated site has been developed for residential purposes (care apartments for the elderly). The site has therefore been the subject of a long standing allocation which has not been converted into a planning consent for employment use. So whilst no marketing information has been submitted as part of this application which demonstrates that the land is unsuitable for employment use, in my view because residential use has already been granted (and built) on part of this allocated employment land, it would be unreasonable to refuse this application on these grounds and I do not therefore consider that it is inappropriate to depart from policy in this instance. To reiterate, with the existence of immediate adjacent residential development to the north, east and south of the proposal site, and the character of the wider area, I consider that a development of this nature on this site would be acceptable in principle. It is also a material planning consideration that residential use on this site has been previously considered (under MA/12/1541), and whilst this application was refused (and upheld at appeal) officers at that time did not raise an objection to the loss of allocated employment land to residential use, and the Planning Inspector also had no issues in this respect.
- 7.04 In terms of the emerging Maidstone Borough Local Plan, the proposal site has not been designated as an Economic Development Area under emerging policy DM18; and it has not been identified as a site for future employment development in emerging policy EMP1 of the draft Local Plan. Furthermore, Government guidance in the NPPF directs that "...*planning*

policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose” (paragraph 22); and so in this context and in view of the considerable time that has elapsed with no apparent market interest in implementing the employment allocation, it is considered that the employment use of this site can be set aside in this case.

- 7.05 The site is also a currently undeveloped space, largely occupied, as stated earlier, by an unmanaged group of trees. Whilst the trees are not worthy of a Tree Preservation Order, the loss of this area and the visual impact of the proposals also needs to be carefully considered. Policy ENV22 of the MBWLP does refer to proposals to develop existing open areas and requires an assessment of the visual contribution such areas make to their surroundings.
- 7.06 I accept the principle for this proposed development and will now go on to assess the main issues in relation to this scheme.

8.0 Arboricultural implications

- 8.01 The proposal would result in the clearance of the majority of the existing trees on the site, comprising Sycamore, Hazel, Hawthorn, Goat willow and Silver birch. All of the trees with the exception of one Ash tree (Category B) in the south-western corner of the site are classified as C or U in the arboricultural assessment and stated as being largely poor, hazardous or indifferent in terms of their structure. The Landscape Officer has raised no objections to the removal of these trees, or in terms of future pressure for removal. The mentioned Ash tree is to be retained, along with a strip of trees along the boundary of Burial Ground Lane, as part of the proposed development and the Landscape Officer is satisfied that this is achievable. Just to confirm, there are no protected trees within or adjacent the proposal site and it is not designated as Ancient Woodland. I therefore raise no objection to this proposal on arboricultural grounds.

9.0 Visual impact and design

- 9.01 The proposals would result in the clearance of the majority of the existing trees with the exception of a band of trees along the western boundary of the site (including the mature Ash) and a couple of trees along the south-eastern boundary. In the short term this would have a significant visual impact, but through the retention of the already mentioned trees within the site and by securing an appropriate native landscaping scheme and management programme, I am satisfied the sylvan character of the site would be reinstated over time. Tree planting has been indicatively shown along sections of all boundaries, which will help soften the scheme; and within the site, helping to break up views of the development from either outside or within the site. The boundary planting (existing and proposed) will also provide a softer edge to the development, and would leave a buffer between this proposal and the development at Tovil Court and any development to the south of the site. To ensure a satisfactory appearance to the development, details of the landscaping scheme will be requested prior to the commencement of the development. So whilst the loss of the trees would have an immediate impact, this would be mitigated

over time as the proposed landscaping matures. This was also the view taken by the Planning Inspectorate under MA12/1541. With this considered together with the varied pattern of built development surrounding the site, it is my view that the proposed development of this site would not appear cramped or be so harmful to the character or the appearance of the area, as to warrant and sustain an objection on these grounds.

- 9.02 The proposed development has been designed to address Tovil Green Lane, with 2 terraces of 4 fronting onto this highway and a further terrace set perpendicular to the road, fronting onto the access road. This approach has been effective and I am satisfied that there is enough visual interest along this frontage for it to not appear unrelated to the surrounding area, what with the differing heights of these 3 terraces; the staggered appearance and split ridge line of block B; the barn-hipped roofs; the use of block paving for all parking spaces; the use of first floor weatherboarding; front door canopies; tree planting; and the flank windows to Block C. The tree planting (retained and existing) along the southern and western boundaries would largely screen the internal terraces from public view outside the site, and block F would be set back some 20m from the western boundary; and there would be some visual interest in the roadside flank of block B with the use of windows, and quality boundary treatment here would also enhance the overall development.
- 9.03 The other 3 terraces within the site are of a similar scale and design to the front terraces, and I also consider these to be of an appropriate character. Again the use of design elements like the first floor weatherboarding; projecting canopies; barn-hipped roofs; and individual hipped roofs above a number of windows that puncture the eaves line all add to the vitality of the scheme. In addition, I do not consider there to be an excessive amount of hardstanding and the use of appropriate planting and block paving for the allocated parking spaces would further enhance the appearance of the development in this respect. In securing the weatherboarding elements and more landscaping through negotiations, I consider the design of the scheme to have been further enhanced. The difference in site levels would also bring visual interest into the site, what with the differing ridge lines.
- 9.04 The simple materials pallet of red stock brick, white weatherboarding and plain clay roof tiles is also considered acceptable and in keeping with the character of the surrounding area; and suitable boundary treatments would further improve the development's overall appearance. To ensure a satisfactory appearance to the development, details of these materials/boundary treatments will be requested prior to the commencement of the development.
- 9.05 To re-iterate, whilst a different scheme was proposed under MA/12/1541, the Planning Inspector only dismissed the appeal in the absence of a suitable means of securing the provision of the affordable housing, and not in terms of its visual impact. Whilst this current application should be considered on its own merits, it is worth noting what improvements there

are with this proposal from what was proposed (and accepted by the Planning Inspector) under MA/12/1541. This current proposal has seen a noticeable reduction in the level of hardstanding; the smaller terraces give a better sense of openness within the site; the retention of a larger number of existing trees along the western boundary would provide better screening; and all properties would be 2-storey with no 3-storey/split level houses, reducing the dominance of the buildings.

- 9.06 In my view the proposal would contribute to the character and appearance of the surrounding area and it is sufficiently varied in terms of its design to provide vitality and interest. Residential development on this site would not appear out of character with the surrounding area, which has undergone a noticeable transition in recent years from an industrial character towards residential; and it must also be considered that whilst a different scheme, the Planning Inspector did not object to the principle of 24 dwellings on this site under MA/12/1541. I therefore raise no objection to the development in terms of its visual impact, whilst noting the short term impact of the loss of the trees.

10.0 Residential amenity

- 10.01 The car park serving Tovil Green Court and Pine Court would be in between the proposed development and the built development to the east, with an approximate separation distance of 25m between the existing building and the nearest flank of block D. To the south, 20 Tovil Green is set more than 10m away from its northern boundary, and then would be at least a further 15m away from the rear elevations of block F, with elements of boundary planting here to be retained. With this considered, in my view this proposal would not result in any unacceptable loss of privacy, light or outlook to the occupants of neighbouring properties. In addition, no access is proposed from the site to the car park area to the north-east; and elements of retained landscaping would help maintain suitable levels of privacy. Given the layout of the proposed scheme and its separation distances from any property to the north and west of the site, I am also satisfied that this proposal would not cause unacceptable living conditions for these properties. I also do not accept the argument that a residential development of this scale here would result in unacceptable levels of noise and general disturbance for existing neighbouring residents. I am therefore satisfied that this proposal would not have an adverse impact upon the amenity of the surrounding residential properties.

11.0 Impact on future occupants

- 11.01 I am satisfied that the separation distances between the 5 blocks, together with the orientation of the first floor windows would not result in an unacceptable level of privacy for any new property (both internally and externally), enough to refuse the application alone; and whilst the side flank openings may in areas be compromised, these openings serve bathrooms (non-habitable rooms), or are secondary windows to the living room areas. The proposed dwellings would benefit from adequate sized private garden areas; and boundary treatments would retain acceptable levels of privacy at ground floor level; I am satisfied the parking area

adjacent the north-eastern boundary of the site would not cause significant disturbance to the future occupants of blocks C and D; and the layout of the proposed parking provision is also considered acceptable in terms of its relationship with the properties and vehicles coming and going from the site.

11.02 The Environmental Health Team have recommended that prior to the commencement of works that a scheme is submitted to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice. Given the site's location, close to the recycling centre and industrial park to the south and east of the site and the storage/distribution business to the west, I consider this reasonable.

11.03 The land to the south and west of the site (on the opposite side of Burial Ground Lane) is designated as Economic Development Areas in the emerging Local Plan. However, I am satisfied that the future design of any employment would ensure that the living conditions of future occupants would not be adversely harmed.

11.04 I am therefore satisfied that this proposal would not cause adverse harm to the amenity of future occupants.

12.0 Highway safety implications

12.01 The proposal will provide 33 parking spaces. I am satisfied that this is adequate parking provision for a development of this scale and nature in a sustainable location, in terms of proximity to local facilities and public transport links. The Highways Officer is also satisfied that the proposed development would offer sufficient parking and turning facilities; and that the additional vehicle trips generated by the development would not be detrimental to the capacity of the local road network. I also raise no objection in terms of visibility splays (vehicle and pedestrian) associated to the new access.

12.02 The applicant is also proposing the installation of a footpath along the western boundary of the site and tactile paving and dropped kerbs on both sides of Tovil Green Lane. This will help the site link in to its surroundings as well as allowing for the safe movement of pedestrians in and out of the site, and the Highways Officer has raised no objection to this proposal. This will be ensured through a S278 agreement between the applicant and the Highway Authority.

12.03 I am also satisfied that the level of traffic movements to and from the site would not be to the detriment of local residents. Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained.

13.0 Biodiversity

- 13.01 The applicant submitted a Preliminary Ecological Appraisal and Bat Survey Report as part of the application, and after consultation with the KCC Biodiversity Officer, I am satisfied that no additional information is required prior to determination of the planning application.
- 13.02 In terms of bats, the surveys have provided a good understanding of bat usage of the site. This said, there is the potential for the development to have a negative impact on foraging/commuting bats due to an increase in lighting and a loss of habitat, and there is still a need for the 2nd activity survey to be carried out. This said, the Biodiversity Officer is satisfied that a detailed lighting scheme and the additional activity survey (the results of which will inform the finalised lighting scheme) can be dealt with by way of appropriate conditions, and I duly accept these recommendations. In addition, the Biodiversity Officer also recommends that the areas of new planting along the southern and western boundaries of the site is native, to encourage bats to continue to forage within the site. I am satisfied that an appropriately worded landscape condition will address this concern. An appropriate informative will also be added setting out the recommendations of the Bat Conservation Trust's Bats and Lighting in the UK guidance.
- 13.03 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". The submitted surveys have recommended a number of enhancements which can be incorporated in to the site. After consultation with the Biodiversity Officer, I consider it appropriate and reasonable to request the submission of a detailed ecological enhancement plan for approval prior to the commencement of any works.

14.0 Foul sewage and surface water disposal

- 14.01 After the submission of the Surface Water Management Plan (SWMP) Rev B (dated September 2015) prepared by Nimbus Engineering Consultants, the KCC Sustainable Drainage Engineer is satisfied that in terms of surface water disposal, the proposal is unlikely to increase the risk of flooding elsewhere.
- 14.02 In summary, the revised plan indicates that a feasible drainage solution can be provided, which restricts discharge from the site to 3 litres per second. Storage tanks of combined capacity of 112m³ will be provided beneath the access road. A total of 137m³ is required for the development and so the shortfall of 25m³ will be provided using rainfall harvesting tanks for individual properties. The precise details of these systems are yet to be provided but Sustainable Drainage Engineer is satisfied these details can be included as part of a condition of planning.
- 14.03 The application confirms that foul sewage would be disposed of via the mains sewer. Southern Water has indicated that they can provide foul sewage disposal to service the proposed development, and a condition will be imposed requesting details of the proposed means of foul and surface water sewerage disposal.

15.0 Community infrastructure and affordable housing

- 15.01 The applicant has submitted a viability statement to demonstrate that the provision of any infrastructure contributions and affordable housing would render the proposal unviable. In short, given the topography of the site the costs of excavation, foundation and retaining wall works are considerably high; and with building costs estimated at £2,180,338 the expected profit level with 100% private housing and no infrastructure contributions would still be below expected market returns at less than 7%. This report has been independently assessed by the District Valuer, who is in agreement with these findings and I have no reason to question this conclusion. This independent assessment was also requested by the Council's Housing Department, and after further consultation on the District Valuer's findings, no further comments have been received.

16.0 Other considerations

- 16.01 Changes as a result of a Housing Standards Review by the Government earlier this year have resulted in the withdrawal of the Code for Sustainable Homes and introducing a new system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations, which are mandatory. This does not preclude requiring renewable or low-carbon sources of energy within new development, and in my view the provision of energy sources on major residential developments is intrinsic in achieving a high standard of design and sustainable development, as required by the NPPF. Indeed, this would contribute towards achieving the NPPF's environmental role of sustainability, and supporting the transition to a low carbon future and encouraging the use of renewable sources as outlined within the core planning principles of the NPPF. A suitable condition will therefore be imposed requesting details of how renewable energy will be incorporated into the scheme.
- 16.02 Given the history of the site and the conclusions within the submitted Environment Desk Based Assessment, I consider it necessary to impose a land contamination condition. The Environmental Health Team also recommends such a condition.
- 16.03 The Environmental Health Team is satisfied that, given the scale of the development and its distance from the nearest Air Quality hotspot, an air quality assessment is not warranted. However, they do recommend that a scheme of air quality emissions reduction is submitted, but given the scale of the development I do not consider this reasonable.
- 16.04 Whilst the development is satisfactory in terms of its design and layout, I consider it reasonable to remove each property's permitted development rights to extend, or to lay hardstanding, in order preserve the character of the development and to ensure that the amenity of future occupants is respected.

17.0 Conclusion

17.01 Whilst the scheme is on a designated employment site it is considered, for the reasons outlined in this report, in this instance it is acceptable for residential development to take place as a departure from the Development Plan. Indeed, the scheme is acceptable in terms of its layout and design and impact on adjacent residents and the local highway network; appropriate landscaping and ecological enhancement measures can be secured by means of appropriate conditions; the Planning Inspector did not object to the principle of residential development on this site; and in terms of viability, it has been accepted that the development cannot provide any infrastructure contributions or affordable housing. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

RECOMMENDATION – APPROVE with conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and shall include;

- (i) red stock brick
- (ii) plain clay roof tiles
- (iii) white weatherboarding
- (iv) block paving for all parking spaces

The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

- (4) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- (i) Location, species and size of all new trees and shrubs to be planted;
- (ii) Retention of existing trees along western boundary (as shown on drawing 3615/p02a received 09/11/15);
- (iii) Enhancement of boundary planting;
- (iv) Native tree planting along northern frontage;
- (v) Retention of cord wood from tree and shrub clearance works on site to provide biodiversity enhancement.

Reason: To ensure adequate protection of trees and a satisfactory external appearance to the development and in the interests of biodiversity.

- (5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory external appearance to the development.

- (6) The development shall not commence until an ecological enhancement plan, incorporating the recommendations within the Preliminary Ecological Appraisal (The Ecology Consultancy received) and Bat Survey Report (The Ecology Consultancy received 09/07/15), has been submitted to and approved in writing by the local planning authority. The ecological enhancement plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

- (7) In accordance with the submitted Bat Survey Report (The Ecology Consultancy received 09/07/15), details of a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest of biodiversity protection and visual amenity.

- (8) The development shall not commence until a second bat activity survey is carried out (as detailed in the Bat Survey Report received 09/07/15) and has been submitted to and approved in writing by the local planning authority, and the results of which will inform the finalised lighting design strategy;

Reason: In the interest of biodiversity protection.

- (9) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property or any laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- (11) No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been provided in full (as shown on plan ref: 10523-T-06 Rev P1 received 18/11/15);

(a) Installation of footpath along western boundary and in part along northern boundary of site;

(b) Installation of tactile paving and dropped kerbs on each side of Tovil Green Lane.

Reason: In the interests of highway safety.

- (12) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of public safety and pollution prevention.

- (13) No occupation of the development hereby permitted shall take place until a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To safeguard the amenity of future occupants.

- (14) The development shall not commence until details of the rainwater harvesting tanks (including details regarding the network analysis and vortex control structure) based on details described within the Surface Water Management Plan (Rev B) dated September 2015 and prepared by

Nimbus Engineering Consultants, have been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details and Surface Water Management Plan (rev B) before the development is completed;

Reason: To prevent an increased risk of flooding both on site and elsewhere.

- (15) If the development hereby approved requires piling or any other foundation designs using penetrative methods, works shall not commence until details have been submitted to and approved in writing by the local planning authority which demonstrate there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details;

Reason: Development will not be permitted where there is an unacceptable risk posed to Controlled Waters.

- (16) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, and the development shall be carried out in accordance with the approval details;

Reason: To ensure there is no unacceptable risk to controlled waters.

- (17) The development hereby permitted shall be carried out in accordance with the finished floor levels of the buildings and finished site levels, as shown on drawing number 3615/p02a received 09/11/15, and the development shall be completed in accordance with these levels unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory external appearance to the development.

- (18) The gradient of the access hereby approved shall have a gradient no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: In the interests of highway safety.

- (19) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (20) The development hereby permitted shall be carried out in accordance with the following approved plans: 3615/p02a, p03, p04, p05_1, p05_2, p05_3, p05_4 received 09/11/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

- (1) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.
- (2) The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund. All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to the Environment Agency's guidance "PPG1 - General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf
- (3) The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:
- o excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - o treated materials can be transferred between sites as part of a hub and cluster project
 - o some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- o Duty of Care Regulations 1991

- o Hazardous Waste (England and Wales) Regulations 2005
 - o Environmental Permitting (England and Wales) Regulations 2010
 - o The Waste (England and Wales) Regulations 2011
- (4) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (5) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (6) Bats and Lighting in the UK
Bat Conservation Trust and Institution of Lighting Engineers
Summary of requirements
The two most important features of street and security lighting with respect to bats are:
1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
 2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.
- UV characteristics:
- Low
- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
 - o High pressure Sodium Lamps (SON) emit a small UV component.
 - o White SON, though low in UV, emit more than regular SON.
- High
- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
 - o Mercury lamps (MBF) emit a high UV component.
 - o Tungsten Halogen, if unfiltered, emit a high UV component
 - o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.
- Variable
- o Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.
- Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas. Light should not leak upwards to illuminate first floor and higher levels.

Lamps of greater than 2000 lumens (150 W) must not be used.

Movement or similar sensors must be used. They must be carefully installed and aimed, to reduce the amount of time a light is on each night. Light must illuminate only the immediate area required, by using as sharp a downward angle as possible. Light must not be directed at or close to bat roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit.

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

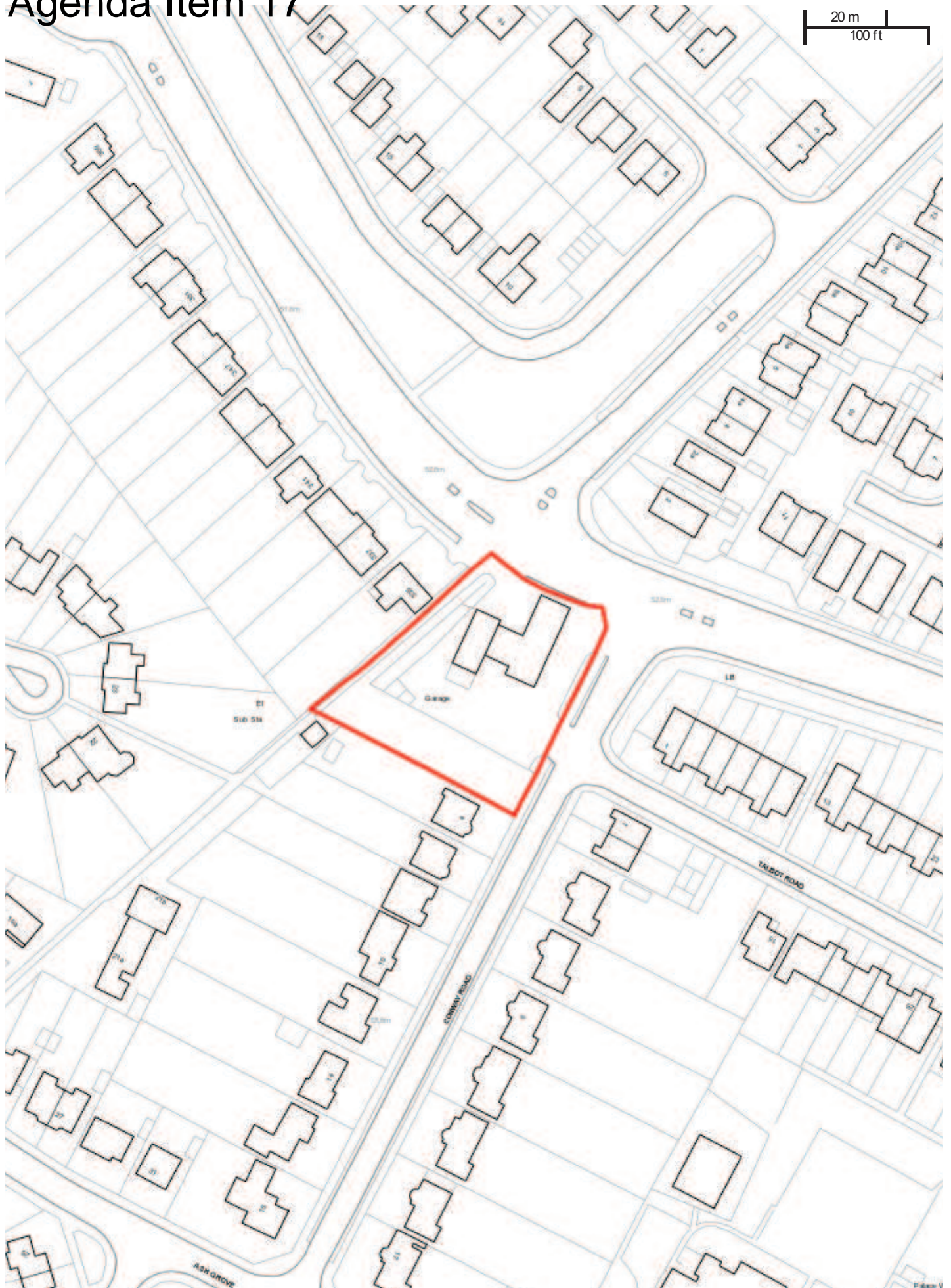
Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (7) The site contains suitable habitat for breeding birds, and so vegetation should be removed outside of the breeding bird season (March-August). If that is not possible, an ecologist should examine the site prior to works starting on the site, and if any nesting birds are identified all work must cease in that area until all the young have fledged.

Case Officer: Kathryn Altieri

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 17



15/505942 - Tudor Garage, London Road, ME16 0HE

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/505942/FULL		
APPLICATION PROPOSAL Redevelopment of the existing petrol filling station to include new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt.		
ADDRESS Tudor Garage London Road Maidstone Kent ME16 0HE		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Councillor Robertson and Councillor Daley have requested the application be reported to Planning Committee.		
WARD Allington Ward	PARISH COUNCIL N/A	APPLICANT BP Oil (UK) Ltd AGENT Rapleys LLP
DECISION DUE DATE 11/12/15	PUBLICITY EXPIRY DATE 23/11/15	OFFICER SITE VISIT DATE 10/08/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/11/0018 - Extension to existing sales building – Approved

MA/09/0785 - Replacement of underground tanks and replacement pumps (Resub of MA/08/0873) - Approved

MA/08/2203 – Advert consent – Approved

MA/05/1385 – Redevelopment of petrol filling station comprising of replacement underground tanks, installation of new forecourt and canopy. Erection of class A1 shop with ATM and car wash, new pump islands, car care facilities, car parking, modified crossovers - Refused

MA/03/0847 - Redevelopment of existing petrol filling station to provide fuel forecourt, canopy, fuel and LPG tanks, solar energy, sales building/shop, car wash, modified crossover, parking and ancillary services – Refused

MA/02/1119 - Redevelopment of existing petrol filling station to provide fuel forecourt, canopy, fuel and LGP tanks, solar energy, sales building/shop, ATM, car wash, modified crossover, parking and ancillary services - Refused

MA/01/1949 - Advert consent – Approved

MA/01/1546 - Redevelopment of service station to provide new forecourt and canopy, sales bungalow, car wash and ancillary services – Refused

MA/97/2999 - Advert consent – Refused

MA/97/0564 – Advert consent – Approved

MA/97/0113 – Advert consent – Approved

MA/96/1402 - Alteration to existing sales building by installation of bank cash machine and security bollards - Approved

MA/87/0605 - Replacement of existing pumps by 3 dual delivery pumps and installation of 2 underground tanks – Refused

MA/85/1191 - Installation of 2 self-serve pumps - Approved

MA/84/1727 - Plant housing and refuse area - Approved

MA/84/0786 - 4 underground fuel storage tanks to replace existing - Approved

MA/84/0811 - Advert consent – Approved

MA/83/1227 - Demolition of existing garage and erection of petrol filling station with car wash - Approved

MA/79/0450 - Outline application for demolition of garage and house and erection of self-service petrol station - Refused

MA/77/0877 - Outline application for demolition of existing garage premises and house and construction of self-service petrol sales forecourt and office with new workshop to the rear for repairs servicing and M.O.T. testing - Refused

1.0 Relevant policy

- Development Plan: ENV6, T13, R1, R3
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

2.0 Consultation responses

2.01 **Councillor Robertson and Councillor Daley** have called the application into Planning Committee with concerns regarding highway safety issues and the impact on local residents.

2.02 **KCC Highways:** Raise no objection.

2.03 **Environmental Health Officer:** Raises no objection in terms of noise from the plant equipment, car wash facility (including the new access), and shop, but does raise concerns over the repositioned fuel delivery area in terms of noise and odour.

2.04 **Environment Agency:** Raises no objection.

2.05 **KCC Biodiversity:** Raises no objection.

2.06 **KCC Flood Risk Project Officer:** Raises no objection.

2.07 **Southern Water:** Raises no objection.

3.0 Neighbour representations

3.01 4 local residents have made representations raising concerns over traffic generation; highway safety; noise and disturbance at construction phase; noise/disturbance from deliveries and car wash; light pollution; odours/fumes (ventilation pipes); general noise; and unsuitable location for larger retail space.

4.0 Background information

- 4.01 It should be noted that a planning application for a similar development on this site was refused under MA/05/1385 for the following reason;

"The enlarged and redeveloped service station would be detrimental to the levels of amenity enjoyed by neighbouring residents in general, by virtue of the increased scale of the development and the increased activity it is likely to support, and in particular to the occupants of 4 Conway Road, by reason of vehicle movements associated with the proposed car wash facility. The proposals would therefore be contrary to policy ENV15 of the Kent Structure Plan 1996 and policy ENV2 of the Maidstone Borough-Wide Local Plan 2000."

- 4.02 Whilst the Kent Structure Plan 1996 is no longer part of the development plan and policy ENV2 of the MBWLP is no longer a saved policy, the impact of any development on the residential amenity of surrounding properties is clearly still a material planning consideration in the determination of any planning application. In addition, this refused application is also a material consideration in the determination of this application, and will be discussed further in the main body of this report.

5.0 Site description

- 5.01 Tudor Garage is a petrol filling station located on the corner of London Road, which runs along the site's northern boundary and Conway Road, which runs along the site's eastern boundary.
- 5.02 The proposal site currently consists of 6 pumps covered by a large canopy; a single storey shop building close to the western boundary of the site; a car wash close to the southern flank of the shop; an area of planting/scrub along the southern boundary. The 2 vehicle entrances into the site are from Conway Road and the north-east corner of the site from London Road; and egress is from the north-west corner onto London Road. The carwash plant room and the refuse and trolley area are located towards the southern end of the site.
- 5.03 The surrounding area is predominantly characterised by residential properties of differing scale, age and design; a public footpath (KB35) runs along the site's western boundary; and for the purposes of the Maidstone Borough-Wide Local Plan 2000 (MBWLP), the application falls within the defined urban area.

6.0 Proposal

- 6.01 The proposal is for the redevelopment of the existing petrol filling station, to include a new sales building, canopy, lighting, fuel pumps, car wash, and rearrangements to the forecourt to include changes to the vehicle access and egress. The existing underground fuel tanks are to be retained. The forecourt would also extend southwards into a landscaped area.
- 6.02 The existing sales building measures some 15m by 6.5m in footprint, is single storey and with its hipped roof stands some 5.5m in height from its

ridge to ground level. The proposed shop building would be relocated further back into the site, close to the southern boundary, with its front elevation facing northwards. This new building would measure some 18m by 12m in area, and with its mono-pitched roof would stand some 4.4m in height. This increase in footprint would extend the gross internal floor space by approximately 125m² to a total of 216m². The walls will be of composite steel cladding panels, with large glazed elements; and the roof of composite metal sheeting. An ATM machine would also be installed to the front of the building.

- 6.03 The existing canopy area measures some 22m in length and some 8m wide; and it stands some 5.5m in height. The proposed canopy would measure some 24m in length and some 8.5m wide; and it would stand some 5.8m in height. The pumps will be increased from 6 to 8; the tank refilling station has been relocated towards the north-western corner of the site; and the service area, plant equipment, and the car wash have been sited along the western boundary/south-western corner of the site. The proposed car wash would stand some 3m in height.
- 6.04 In terms of parking provision, the proposal would provide 9 allocated parking spaces; and the development would see an access and agrees from Conway Road and London Road (with the access on the exposed north-eastern corner of the site being closed).

7.0 Principle of development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The application site is within the defined settlement boundary of Maidstone, and whilst there is no specific saved policy relating to this type of development, the redevelopment of an existing use is considered to be an appropriate form of development; policy R1 of the MBWLP permits appropriate retail development within the defined urban area; and policy ENV6 of the MBWLP looks for appropriate soft landscaping with any development.
- 7.03 There is also a presumption in favour of sustainable development within the National Planning Policy Framework (NPPF). Indeed, the NPPF seeks to proactively drive and support sustainable economic development to meet the development needs of business and support an economy fit for the 21st century; and it also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.04 I therefore consider the principle of this development in this location to be acceptable; and from this, the key issues to consider are visual impact, residential amenity, highway safety, and ecological/arboricultural issues.

8.0 Visual impact

- 8.01 The proposed development would see the new shop building set further south into the site; it would be set back more than 14m from any public highway (including the footpath); and whilst its footprint would be larger than the existing building, its overall height would be approximately 1m lower than the existing building. The walls will be of composite steel cladding panels, with large glazed elements; and the roof of composite metal sheeting. I consider this acceptable in the context of the development and the surrounding area, and will request details of the materials to be used to ensure a satisfactory appearance of the development. The proposed canopy would be generally sited perpendicular to the canopy it will replace; it is not significantly larger or taller than the existing canopy; and again details of its appearance will be requested by condition. This element of the proposal would not appear significantly more dominant or visually harmful than what currently exists on site.
- 8.02 The loss of the band of landscaping along the southern boundary of the site is unfortunate, but is of limited arboricultural and visual worth and its loss is not a reason alone to refuse this application; the carwash unit is modestly scaled, low level, and it is not unusual to find such a facility on the forecourt of a petrol station; and the new plant equipment, paraphernalia and hardstanding would cause no further visual harm given the modest scale, nature and location of it. I am also of the view that the proposed fencing; the retention of the Cherry trees along the site's eastern boundary; and the additional soft landscaping shown would provide some screening and softening of the development.

9.0 Residential amenity

- 9.01 The proposal would involve the installation of air conditioning units and refrigeration plant equipment, to be placed at either end of the new shop building. The submitted acoustic specification which demonstrates a sound level of at least 5dB below background is considered acceptable by the Environmental health Team, and a suitable condition will be imposed to safeguard the amenity of local residents. No other objection is raised to the noise levels of other plant equipment within the site. After requesting additional information from the applicant, the Environmental Health Team is now also satisfied that the submitted details regarding the security floodlighting and its operation would not cause unacceptable harm to the amenity of local residents, and an appropriate condition will be imposed to ensure the development is carried out in accordance with this detail. With the advice of the Environmental Health Team, I therefore raise no objection to the proposal on these issues.
- 9.02 The proposed carwash would be repositioned further towards the south-western corner of the site; and it would be an enclosed unit unlike the existing carwash. The submitted acoustic detail in this respect demonstrates that the new carwash will effectively halve the perceived noise levels experienced by neighbours, and so the Environmental Health Team raise no objection to the proposal in this respect. I am satisfied with these findings. However, as specifically mentioned in the reason for

refusal under MA/05/1385, concern has been raised over the new access road to the carwash and the potential harm this would have on the amenity of 4 Conway Road (as it would be moved closer to their northern boundary), in terms of noise levels caused by vehicles using the access road. In response, the applicant has submitted an acoustic technical note to address this concern. This report demonstrates that the erection of 2m high acoustic fencing along the southern and western boundaries of the site, and the restriction of hours of use of the carwash (07:00-21:00), would provide adequate mitigation in terms of noise, and the Environmental Health Officer is satisfied with its findings in this respect. Appropriate conditions will be imposed restricting the hours of use of the carwash, and to ensure the proposed fencing is erected before first operation of the development. I am also of the view that emissions from vehicles waiting to use the carwash would not cause a significant increase in harm to the living conditions of local residents.

- 9.03 The fuel delivery area has been moved closer to the neighbouring residential property on London Road, and concern has been raised by the Environmental Health Team that this could result in greater nuisance for this property in terms of noise and odours. The offset fills have been positioned to optimise access and egress for tankers and to ensure that deliveries can take place as efficiently as possible. The applicant has confirmed that there are only 3 spirit tanks which will be linked together under vapour recovery; and the delivery process is such that the vapour recovery hose is connected first below and then the driver connects the delivery hose to the tanker and site tank. The only release of vapour would be when the site tank cap is removed to allow the tanker hose to be connected, and this would only be for a couple of minutes during the whole delivery. Whilst it is accepted that a certain level of nuisance on the neighbouring property is likely from the repositioning of the refuelling tanks, on balance I am of the view that this would not be of such significance to refuse the application on these grounds alone, given the existing use of the site and the limited time these tanks would be in use. This opinion is also weighed up against the other improved environmental benefits resulting from the proposed development (improved car wash unit and plant equipment for example), in terms of noise.
- 9.04 With regard to planning refusal MA/05/1385, the Officer's objection was raised on the cumulative impact of noise and disturbance likely to be caused by deliveries, moving the carwash and its access road, and the plant equipment/air conditioning units closer to the neighbouring properties. Specific noise reports were not initially submitted as part of this application, but were submitted after being requested. I am satisfied that these supporting documents have demonstrated that these elements of the proposal would not cause adverse harm to the living conditions of local residents. On balance and given the environmental attenuation measures to be put in place by the applicant, I am of the view that the increased site area, 2 additional pumps, additional parking spaces, and a larger shop area would not significantly increase the activity and intensification. In my view the use of the shop is likely to be a linked trip with the need for getting petrol; and the additional pumps and parking spaces address a capacity issue, potentially alleviating potential queueing

onto the highway. The Environmental Health Team has also not raised any objection in this respect.

- 9.05 Given the original permission for the petrol station did not restrict hours of use, I do not consider it reasonable to do so now given the scale and nature of the proposal. I am also satisfied that the proposed building, canopy and other structures within the site would not have an adverse impact on neighbouring properties in terms of loss of privacy, light and outlook.

10.0 Highway safety implications

- 10.01 The proposal would include the addition of 2 more petrol pumps; 9 allocated parking spaces (including 1 disabled space); and an access and egress from Conway Road and London Road (with the access on the exposed corner of the site being closed).

- 10.02 The parking provision provided within the site is considered to be acceptable for a development of this nature within this sustainable location; and the Highways Officer raises no objection in terms of the reconfigured access and egress points or the visibility splays (for both vehicles and pedestrians). The Highways Officer did specifically comment that...*"I am pleased to note that the existing access at the corner of Conway Road with London Road is proposed to be removed. This access is susceptible to unclear or unorthodox manoeuvres"*. After the applicant has reviewed the technical aspect of how the new junctions will operate, amended details have been received to show some minor changes to the access and egress from London Road in order to retain the traffic light head that serves the junction at Castle Road. Given the modest scale and nature of these changes, it was not considered necessary to reconsult all interested parties again, except for KCC Highways who have raised no objection to the changes.

- 10.03 The submitted Transport Statement suggests that the proposal would generate a modest increase in the number of vehicle movements to and from the site that being 655 additional movements over a 13 hour day, and that there is unlikely to be further queuing onto the highway. It is also considered that the proposal would not significantly increase the number of cars on the surrounding network, given its relatively modest scale and the fact that vehicles will probably use the facility as a linked trip. The Highways Officer is satisfied with these findings and raises no highway safety objection on these issues.

- 10.04 In addition, swept path analyses have been submitted and the applicant has confirmed that there is likely to be 3 daily vehicle deliveries (the longest lasting approximately 30 minutes) and fuel deliveries. This situation is not significantly different to the current situation and the Highways Officer raises no highway safety objection in terms of both delivery vehicles and customer vehicles coming and going from the site. I therefore consider it unreasonable to restrict times of deliveries (given the current unrestricted situation), and do not object to the proposal on these grounds.

- 10.05 The applicant will also be required through a S278 agreement with KCC Highways to reinstate the pavement on the corner of London Road and Conway Road which is considered necessary and reasonable.

11.0 Biodiversity implications

- 11.01 The proposal will involve the loss of the band of planting and scrub along the southern edge of the site. Given this and the site's connectivity to the gardens within the surrounding area, it was considered reasonable to request a Phase 1 Ecological Survey to assess the potential impact on any protected species and any necessary mitigation. The applicant duly submitted a report (as amended), and the Biodiversity Officer is satisfied that there has been sufficient ecological information provided to determine the planning application.
- 11.02 In summary, the lack of suitable basking areas within the site gives low potential for reptiles to be present. Notwithstanding this, due to the connectivity to the adjacent gardens, the presence of reptiles cannot be ruled out. To minimise the potential for reptiles to be impacted, the report recommends that the site is cleared using a precautionary approach. The Biodiversity Officer is satisfied with this and recommends that a condition is imposed requesting a report that provides details of the methodology to clear the vegetation on site. The ecological survey has also confirmed that a fox den has been recorded within the site. To prevent foxes being killed/injured by the proposed development the report has recommended that the foxes are deterred prior to works starting. The Biodiversity Officer is satisfied that details of the deterrent can be incorporated into the precautionary approach report.
- 11.03 Other recommendations within the report include the installation of bird boxes within the site; and that in order to minimise any impact upon breeding birds any vegetation clearance works are undertaken outside of the breeding bird season (March – September inclusive) or are supervised by an ecologist. Suitable conditions will be imposed to ensure these recommendations are put in place.

12.0 Arboricultural implications

- 12.01 The submitted Arboricultural Report and tree constraints plan identified a number of 'B' and 'C' category trees within the proposal site and confirmed that these trees would be removed as part of the development, except for the 4 Cherry trees along the eastern boundary of the site which are to be retained. The Landscape Officer has raised no objection to the findings of the report or to the proposed removal of these trees. I have no reason to doubt this view and raise no objections to the development in this respect.
- 12.02 The proposal would see the loss of the landscaped buffer along the southern boundary, but as established already there are no trees of high quality and in my view its loss would not result in significant visual harm to the character and appearance of the surrounding area. The forecourt is dominated by landscaping, and whilst the layout shows limited

indicative planting, this would be an improvement for the forecourt area and clearly given the constraints of the site, more landscaping would be unreasonable. To ensure the soft landscaping is planted out, an appropriate condition will be imposed to safeguard a satisfactory appearance to the development.

13.0 Impact on vitality and viability of area

13.01 Saved policy R1 of the MBWLP states that retail development will normally be permitted in the defined urban area provided that the proposal would not threaten the overall economic vitality and viability of established retail centres. Putting it into context, this proposal involves a modest increase in the size of an existing shop associated to the petrol filling station. Indeed, the retail unit would not exceed 500m² of gross floor space (as stated in policy R2 of the MBWLP), which is considered to be a major retail development that would require a detailed sequential/impact assessment that measures the impact of the proposal on Maidstone town centre's vitality and viability. It is also worth noting that the NPPF states that the floor space threshold for out of town retail development for local plans that are not up to date is defaulted to 2,500m². Clearly this retail unit of some 216m² falls well within these limits. Therefore, given the scale and nature of the proposal it would certainly not have an adverse impact on the overall economic vitality and viability Maidstone town centre or any Local Centre; and in my view would be of an appropriate scale for its urban location.

14.0 Other considerations

14.01 The Environment Agency is satisfied that the submitted Groundwater Verification Monitoring Report adequately describes previous investigations and includes recent groundwater monitoring data from May 2015, and no significant concentrations of hydrocarbons were identified. The Environment Agency therefore raises no objection to the proposed development subject to a condition where if during construction contamination not previously identified is found to be present at the site, then no further development should be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been approved by the local planning authority. I am satisfied with this approach and take the view this is adequate in addressing potential contamination of controlled waters. No objection is also raised to flood risk, given the existing use of the site and its location.

14.02 The KCC Flood Risk Project Officer raises no objection in terms of the proposed discharge of surface water to the main foul sewer in view of the use of this site as a filling station; and Southern Water also raises no objection in terms of foul and sewage disposal. I therefore consider it unreasonable to pursue these issues any further and raise no objection in this respect.

15.0 Conclusion

15.01 The main objections raised by the neighbours have been dealt with in the main body of the report. However, I would like to add that potential

disturbance during construction is not a material planning consideration in the determination of this application.

15.02 I am of the view that the proposal would represent appropriate sustainable development that would not be visually harmful to the character and appearance of the surrounding area; and would not cause unacceptable harm to residential amenity, highway safety, ecology, or arboricultural issues. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the building, canopy, and hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (3) No development above ground level shall take place until full details of hard boundary treatments, to include 2m high acoustic fencing along the southern and western boundaries of the proposal site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of residential amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (4) The approved details of the 2m high acoustic fencing along the southern and western boundaries of the proposal site shall be fully implemented prior to the first operation of the development hereby approved;

Reason: In the interests of residential amenity.

- (5) No development shall take place above ground level until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The said scheme shall include planting plans;

written specifications; schedules of plants, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority give prior written consent to any variation.

Reason: To ensure the development is satisfactorily integrated in to its setting and provide for landscaping.

- (6) No development shall take place above ground level until full details of the recommendations contained within the GC Design Phase 1 Habitat Survey dated August 2015 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first operation of the site to which they relate and thereafter retained as approved.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (7) The development hereby approved shall be carried out in accordance with the lighting specification report and The Graham White Consultancy drawing (ref: BP139) received 15/10/15, and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (8) The development hereby approved shall be carried out in accordance with the Sharps Redmore technical Notes regarding the plant and carwash noise assessments dated 6th October 2015 and maintained as such thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (9) The carwash hereby approved shall not be in use outside the hours of 07:00hrs to 21:00hrs Mondays to Sundays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- (10) No operation of the development hereby permitted shall take place until Highway works, to include the reinstatement of the pavement on the corner of London Road and Conway Road (as shown on plan 15-189-100) have been made in full;

Reason: In the interests of highway safety.

- (11) No operation of the development hereby permitted shall take place until the existing access on the north-eastern corner of the site has been closed and incapable of use by motor vehicles (as shown on plan 15-189-100);

Reason: In the interests of highway safety.

- (12) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land;

Reason: In the interests of road safety.

- (13) If, during redevelopment, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority;

Reason: Potential contamination of controlled waters.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans: 13546-26 received 31/07/15, 13546/23 Rev A and 24 Rev A received 11/08/15, and 15-189-100 Rev A received 27/11/15;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

- (1) A formal application for the connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see www.southernwater.co.uk/BusinessCustomers/wasterServices/tradeEffluent/ for further information.

- (3) Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- (4) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (5) The applicant is advised to undertake clearance works outside of the breeding bird season (March - September inclusive) to minimise potential impact upon breeding birds.

Case Officer: Kathryn Altieri

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website. The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 18



15/506037 - Woodford Farm, Maidstone Road, TN12 0RH
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REPORT SUMMARY

REFERENCE NO - 15/506037/FULL		
APPLICATION PROPOSAL Demolition of existing commercial buildings, hardstanding and Woodford Coach House and the erection of a replacement dwelling for Woodford Coach House and 9 dwellings with parking and landscaping as shown on drawing numbers DHA/10167/03a Rev A and DHA/10167/03b Rev A and DHA/10167/04 Rev A and DHA/10167/05 Rev A and DHA/10167/06 Rev A and DHA/10167/07 Rev A and DHA/10167/08 Rev A and DHA/10167/09 Rev A and DHA/10167/10 Rev A and DHA/10167/11 Rev A and DHA/10167/13 Rev A and DHA/10167/16 Rev A; received on 30.10.2015 and DHA/10167/01 and DHA/10167/02; received on 3.08.2015. Supporting documents include; PJC/3712/15/02/A 02 and PJC/3712/15/02/B 02; dated 20.07.2015 and PJC/3712/15/02/C 01; dated 30.06.2015 and Arboricultural Impact Assessment (3712/15/02) by PJC Consultancy; dated 20.06.2015 and Arboricultural Survey (PJC/3712/15) by PJC Consultancy; dated 26.05.15 and Bat Survey by Calumma Ecological Services; dated 23.07.2015 and Preliminary Ecological Appraisal by Calumma; dated 6.11.2014 and Reptile Survey by Calumma Ecological Services; dated 15.05.2015 and Phase 1 Desk Study by Lustre Consulting; dated July 2015 and Foul and Surface Water Management Strategy by RMB Consultants Ltd; dated July 2015 v.3 and DHA Transport Statement and Design and Access Statement; dated July 2015.		
ADDRESS Woodford Farm Maidstone Road Staplehurst Kent TN12 0RH		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development comprises the redevelopment of an existing commercial site and is at a relatively sustainable location to the north of Staplehurst, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council has requested the application be heard at Planning Committee. The proposal is a departure from the Local Plan.		
WARD Staplehurst Ward	PARISH/TOWN COUNCIL Staplehurst	APPLICANT R A Commercial AGENT DHA Planning
DECISION DUE DATE 29/10/15	PUBLICITY EXPIRY DATE 29/10/15	OFFICER SITE VISIT DATE 27/08/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 08/2501 - Demolition of the existing commercial units and erection of a replacement building comprising office, workshop and other uses. The approved building measures 383sq.m and 8m in height - Approved 12/0043 – Extension of time of 08/2501 to allow a further 3 years for the development to commence – Approved 02/1814 and 05/1262 are two Lawful development certificates which set out the extent of the commercial land within the application site – Permitted.		

MAIN REPORT

1.0 DESCRIPTION

- 1.1 The site relates Woodford Farm located approximately 1 mile to the north of Staplehurst on the west side of the A229. The site comprises two residential properties, Woodford Farm and Woodford Coach House and associated garden areas, located in the front (east) section of the site. The section of the site to the rear (west) of these dwellings is in active commercial use as offices, workshops and open storage yard. The commercial element comprises a number of single storey buildings, open storage areas and an area of scrub land further to the west. The site is currently utilised by a conservatory company.
- 1.2 The site is served by two access points on the A229. A central vehicle access serves Woodford Farm and a second access at the southern tip of the site serves the commercial units and Woodford Coach House. Toward the centre of the site is a man made pond and with the garden area of Woodford Farm in the northern section of the site, beyond the pond.
- 1.3 The site is located within the open countryside. To the north of the site is a pair of semi-detached houses and a car garage comprising a collection of workshops, MOT and car showroom buildings. To the south of the site is the residential property Little Woodford. To the west of the site is open countryside and arable fields. PROW KM289 runs broadly parallel to the rear boundary of the site some 80m to the west. Opposite the site on the east side of the A229 is Woodford Depot, a timber supplier.

2.0 PROPOSAL

- 2.1 The application proposes the redevelopment of the site for residential use. The existing commercial buildings and the residential Woodford Coach House would be demolished and replaced with 10 new detached dwellings.
- 2.2 The two existing vehicle access points onto Maidstone Road would be retained. The southern access point would serve the existing Woodford Farm and the new dwelling replacing Woodford Coach House. The northern access point would serve 9 proposed houses. The access road would be routed to the north of the pond and use an existing gated point of entry into the rear (existing commercial) section of the site. The primary access through the site would be a shared surface.
- 2.3 One detached and a pair of semi-detached dwellings would be located to the north of the pond on existing residential garden land. These three properties would front the access road, backing onto the retained high hedgerow and line of trees located along the north and east boundary of the site. Six detached properties would be located in the rear section of the site on the existing commercial premises. The rear gardens of these six properties would back onto the boundaries of the site forming a U-shaped frontage onto the proposed cul-de-sac.
- 2.4 The proposed houses would be two storeys in height with the replacement dwelling being two and a half storeys. The houses would be of a traditional design and form, utilising variations on a simple palette of natural materials, to include facing brickwork, tile hanging, weatherboarding and slate and clay roof tiles.
- 2.5 A new section of pedestrian footpath is proposed along the western side of the A229 linking the site to the nearby bus stop. The footpath would be provided by a S278 Agreement.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, H32
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Staplehurst Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

- 4.1 No neighbour objections / comments have been received.

5.0 CONSULTATIONS

- 5.1 **KCC Highways Authority:** No objections subject to conditions and S278 agreement. KCC welcomes the proposals to provide a new footway from the site to the bus stop. KCC Highways advise the layout of the site is acceptable, and tracking diagrams show that there is sufficient space for a fire tender to enter, turn and exit the site in a forward gear. No objections are raised regarding the two vehicular access points. The expected additional trip generation would be small, and would not therefore result in an impact that could be regarded as severe in the context of the current conditions. Concern has been raised regarding the parking provision for plot 2 and 3.

- 5.2 **Natural England:** No objections.

- 5.3 **MBC Environmental Health:** Have requested a noise survey to assess the noise impact of the A229 on the proposed development.

- 5.4 **KCC Ecology:** Advise that the ecological survey provides a good understanding of the protected species on the site and the proposed mitigation and potential receptor site are considered acceptable. No objections subject to conditions.

- 5.5 **Southern Water:** Advise that a formal application will be required for a connection to the foul sewer system. Initial investigations indicate that there are no public surface water sewers to serve this development. The application details indicate that the proposed surface water drainage is via a watercourse. Council technical staff and relevant authority for land drainage consent should comment on this matter.

- 5.6 **UK Power Networks:** No objections

- 5.7 **Southern Gas:** No objections advice about construction in proximity to gas mains.

- 5.8 **Staplehurst Parish Council:** Objects to the proposal on the following (summarised) grounds:

- Loss of commercial site
- Access onto a 60 mph road would be dangerous
- The proposed footprint extends beyond the existing brownfield area
- Opposes development to the north of the railway line which is not contemplated in the emerging Staplehurst Neighbourhood Plan.

6.0 AMENDED PLANS

The following (final) set of amended drawings were received on 30.10.2015

- DHA/10167/03a Rev A and DHA/10167/03b Rev A and DHA/10167/04 Rev A and DHA/10167/05 Rev A and DHA/10167/06 Rev A and DHA/10167/07 Rev A and DHA/10167/08 Rev A and DHA/10167/09 Rev A and DHA/10167/10 Rev A and DHA/10167/11 Rev A and DHA/10167/13 Rev A and DHA/10167/16 Rev A.

Difference between the initial submission and amended drawings:

- One dwelling is omitted from the proposed development.
- The dwellings have been redesigned and re-orientated on the site.
- The scale of the dwellings proposed at the rear of the site has reduced.
- Reduction in hardstanding.
- Detached garage omitted from the front of the site.
- Useable private amenity space increased / improved.

7.0 APPRAISAL

Principle of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is policy ENV28 which relates to development within the open countryside. The policy states that:
- 7.2 *“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:*
- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
(2) the winning of minerals; or
(3) open air recreation and ancillary buildings providing operational uses only; or
(4) the provision of public or institutional uses for which a rural location is justified; or
(5) such other exceptions as indicated by policies elsewhere in this plan.”
- 7.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 7.4 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 7.5 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that:-

- 7.6 “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 7.7 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 7.8 Paragraph 51 of the NPPF is also relevant to the redevelopment of the commercial site and states that Local Planning Authorities:
- 7.9 ‘should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate’.
- 7.10 In respect of the circumstances of the specifics of this case, the proposal site is located approximately 1 mile north of Staplehurst and although there are no dedicated footpaths between the site and the village there is a bus stop just north of the application site providing regular service into the village and Maidstone. The section of footpath proposed along the east side of the A229 would allow safe pedestrian access to the bus stop from the site. The site is therefore considered to represent a relatively sustainable location with good bus connections into the village. The site would also be within cycling distance from Staplehurst.
- 7.11 The draft Local Plan identifies Staplehurst as the largest of the Rural Service Centres in terms of population and size, and has a number of key community services and facilities, including good health care services consisting of a health centre, pharmacy, optician and chiropractic clinic. The village also has more employment providers than most of the other service centres with the exception of Marden. Current transport infrastructure in Staplehurst is good but improvements are essential to cope with high levels of demand at peak times. Local aspirations for Staplehurst express a need for improvement to highways infrastructure in line with any new large scale housing developments.
- 7.12 Outside of the town centre and urban area, rural service centres are considered the most sustainable settlements in Maidstone’s settlement hierarchy.

- 7.13 In this context, it is considered that the location of the site is relatively sustainable in the terms of the NPPF as it is located on a primary route into Staplehurst with sustainable connections to the village via regular bus service and a convenient distance for cycling. Future occupants of the site would therefore not be wholly reliant on motor vehicles to access everyday goods and services. The site also comprises the redevelopment of an existing commercial site (B use class) for housing development which would be in accordance with the NPPF.
- 7.14 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. The development of this site is therefore considered to be in accordance with the objectives of the NPPF due it is relatively sustainable location and constitutes, in part, the redevelopment of a commercial site.
- 7.15 As regard the draft Staplehurst Neighbourhood Plan, the NP is currently at the Regulation 16 consultation stage and is therefore a material consideration and is afford some weight in the decision making process. The NP supports sustainable new development but does not support new development within the open countryside outside the defined village boundary. The proposed development of the site would therefore conflict with the aims and objectives of the emerging NP in that it would be outside the village boundary. However, the proposal constitutes the redevelopment of a brownfield site and replacement housing, in part, and is therefore not strictly new development in the open countryside. Notwithstanding this as the Borough cannot demonstrate a 5 year housing supply the relevant policies for the supply of housing in the NP are not considered up to date, much the same as Policy ENV28, due to the lack of five year housing land supply.
- 7.16 Given the relatively sustainable location of the application site and given that part of the site represents the development of an existing commercial site, the principle of residential development is accepted in accordance with the NPPF. In the circumstances of this case, the key planning issues are considered to be visual impact, residential amenity, access/highway safety, ecology and landscaping.

Visual Impact

- 7.17 Public views of the site would be afforded from the A229 and the PROW KM289 located some 80m to the west of the site. The development areas can be split into three sections; development of the existing garden land in the northern section of the site; the development at the rear of the site on the existing commercial premises and the replacement dwelling which is located toward the southern boundary to the rear of the retained Woodford Farmhouse.
- 7.18 The eastern boundary of the site is set back from the edge of the A229 and is bounded by a high hedgerow running the length of this boundary, save for the vehicle entrance points. The existing hedgerow would be retained as part of the proposal and would screen the bulk of the three new houses proposed at Plots 1-3. Only the upper parts of the first floor and roof sections of Plot 1 and 2 would be readily discernible from the A229 and, the roof pitches on each property has been orientated and designed to reduce the roof bulk viewable from the road. The house at Plot 3 would be largely screened from view by the boundary hedge and houses on Plot 1 and 2. The replacement house would be in compliance with policy H32 as it would largely screened from public views by Woodford Farmhouse and a central line of trees within the site would screen the front section of the site from the open countryside to the west. The replacement dwelling, whilst larger than the existing unit would be no more visually intrusive due to its location within the site and screening

from the open countryside. The proposed dwellings at Plot 1, 2, 3 would result in the loss of open space and a gap between properties that form part of the character of sporadic development in the countryside. Notwithstanding this Plots 1-3 would be located behind a well established hedgerow and as such would not be significantly visible from the road. It is therefore considered that the development of the eastern part of the site would not result in a significantly harmful impact to the openness of the countryside, nor would the additional housing appear out of keeping with the existing development located immediately adjacent on the east side of the A229.

- 7.19 The commercial units are located to the rear of the application site in the southwest and south boundary stretching into the centre of the site adjacent to an open storage area. The commercial buildings are single storey and the combined footprint of the commercial units measures approx. 380 sqm. The introduction of two storey dwellings would clearly have a greater visual impact than the existing single storey commercial units due to the increased site coverage and scale of the proposed development and, it is important to assess the impact on the character and openness of the countryside arising from the proposed development.
- 7.20 The rear of the site would contain six two storey houses on the area of the existing commercial premises. These houses would replace a large open storage area and a collection of single storey buildings. At present the western boundary of the site is fairly open and long distance views are afforded into the site through breaks in the hedgerow located adjacent the PROW KM289, located some 80m to the west. The topography of site and surrounding area is generally flat. Although only long distance broken views of the site are afforded from the PROW the houses proposed in the rear part of the site would be visible from the PROW. However, there are a number of factors which need to be considered when assessing whether the proposed development would warrant refusal due to the visual impact and erosion of the open countryside.
- 7.21 Directly adjacent the site to the north is a cluster of industrial units comprising MOT, and car repair workshops and car sales showrooms. The proposed houses would not project significantly further into the open countryside than the adjacent development and would be viewed in the same context as this small industrial site when viewed from the west. It should also be noted that planning permission has been previously granted (12/0043) for a large, albeit single storey, office building in the rear section of the site which would also have a visual impact on the open countryside.
- 7.22 Amended drawings have submitted during the course of the application reducing the number of houses proposed at the rear of the site to create a less cramped and sporadic form of development. The amended plans propose three houses backing onto the western boundary of the site. The form and design of these units has been amended to create a simple almost uniform roof scape, with barn hipped roofs and clean rear roof slopes, void of any dormer or gable extensions. The western boundary of the site would also benefit from additional landscaping to screen and soften the impact of the proposed development.
- 7.23 It is acknowledged that parts of the development site would be visible from the PROW located to the west of the site. However, views would be from approx. 80m distance and partly restricted by the hedgerow running along the edge of the footpath and, the proposed landscaping and simple roof forms, would all help to limit the visual impact on the countryside. The development would also be seen in the same context as the neighbouring industrial site and it is therefore considered, on balance, that any visual harm would be outweighed by the public benefits arising from the proposed housing development.

- 7.24 The proposed palette of materials includes good quality natural materials of a local vernacular which is considered acceptable for this semi-rural location.

Residential Amenity

- 7.25 The nearest neighbouring residential development is Fleetwood, located to the north of the site and Little Woodford, located to the south. The proposed development would be located a sufficient distance from both neighbouring residential properties such that there would be no unacceptable loss of amenity in terms of light, outlook or privacy.
- 7.26 The internal room sizes and private outdoor amenity space proposed is considered to offer an acceptable standard of living accommodation for future occupants.
- 7.27 The Environmental Health Officer has raised some concerns regarding noise from the adjacent A229 impacting on the future occupiers of the site. It is noted that the site already contains two residential properties and there are other residential properties within the vicinity of the site which are located in proximity to the A229. I do not consider the traffic noise from the A229 would render the site unsuitable for residential development but suggest a noise survey is undertaken should planning permission be granted to ensure the houses are constructed in a manner, where necessary, to reduce the noise impact from the road. Should the noise surveys indicate that traffic noise is an issue the necessary mitigation measures would be put in place to protect the amenities of the future occupants of the dwellings on Plots – 1-3.

Highways

- 7.28 The proposal includes the provision of a new section of public footpath along the eastern side of the A229, which would link the site to the nearby bus stops. This aspect of the scheme is supported and would enhance the sustainability of the development by allowing safe pedestrian access to the local bus routes. The footpath would be secured via an s278 Agreement.
- 7.29 In terms of traffic movements it is envisaged that the proposed residential development would not result in a significant increase in the current commercial vehicle movements.
- 7.30 The development provides for dedicated off-street parking for each unit in accordance with the Council and KCC Parking standards. The KCC Highways Engineer stated a preference that the southern access point should be removed and all vehicle traffic taken through the northern access point. Both existing access points are being retained and would be used, however, the southern access point which has poorer visibility will see a reduction in traffic movements over the current arrangement. KCC Highways have not raised any objections on parking or highways safety grounds and advise the proposed development would not result in a significant increase in vehicle movements over the existing situation.

Landscaping and ecology

- 7.31 The application site contains a number of trees which are mainly located along the site boundaries and also within the centre of the site adjacent to the pond. The proposed layout has largely been dictated by the existing trees and pond on the site and a majority of the existing trees will be retained. However, seven trees are to be

removed to facilitate the development and a further four trees are proposed to be removed on arboricultural management grounds. None of the trees proposed for removal are deemed worthy of a TPO on grounds of visual amenity and the loss of the trees will be mitigated by new tree planting which would be secured by condition. The Council's Arborist does not raise any objections to the proposed development.

- 7.32 The application was accompanied by an ecological appraisal, bat survey and reptile survey. These documents have been endorsed by KCC Ecology as have the potential receptor sites in the event that protected species are found on the site prior to the commencement of the development. The large pond in the centre of the site is man-made and contains a number of fish and is unlikely to contain protected species as a result. KCC Ecology does not raise any objections subject to conditions.

Other Matters

- 7.33 The application site is not located within Flood Zone 2 or 3. A Foul and Surface Water Management Strategy by RMB Consultants accompanies the planning application. This document indicates that foul water would be directed to an existing foul public sewer running through the site. The Water Management Strategy demonstrates it is possible to reduce surface water runoff from the proposed development to a lower level than the current site. The surface water will be managed through SUDs components including permeable paving and ponds. Surface water will be controlled through evapotranspiration and infiltration and attenuating larger rainfall events with overflows being conveyed to the public sewer at a rate less than from the existing site.
- 7.34 Having regard to the retained trees on the site and the large man made pond, and excluding the existing and replacement dwelling site areas, the developable site area is less than 0.5 hectares, therefore, I do not consider the site would qualify under policy to provide any affordable housing.

8.0 CONCLUSION

- 8.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a relatively sustainable location to the north of Staplehurst. The proposed footpath extension along the A229 would provide safe pedestrian access to bus stops located just to the north of the site, with regular services to Staplehurst and, the development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF. The proposal partly comprises the redevelopment of an existing commercial site, adjacent to existing built development including residential and industrial units, and it is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan.
- 8.2 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended for approval subject to conditions.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement in accordance with aims and objectives of the NPPF.

- (3) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety in accordance with Policy T13 of the Local Plan 2000 and the NPPF.

- (4) The tree works and tree protection measures outlined in the submitted Arboricultural Impact Assessment by PJC Consultancy dated 20 July 2015 shall be fully implemented prior to any clearance or demolition works on site and maintained throughout the construction until the completion of the development;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Local Plan 2000 and the NPPF.

- (5) Prior to the commencement of the development, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers in accordance the aims and objectives of the NPPF.

- (6) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's

implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The landscaping scheme shall include, but may not be limited to, the following:

- Details of all retained trees and landscaping.
- Details of new native trees and landscaping along the north and west boundary of the site.
- Details of new native tree species to mitigate the loss of trees on the site.

Reason: No such details have been submitted and to ensure a satisfactory setting and appearance in accordance with Policy ENV6 of the Local Plan 2000 and the NPPF.

- (7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with Policy ENV6 of the Local Plan 2000 and the NPPF.

- (8) Prior to the commencement of any works on the site a detailed bat and reptile mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategies and the recommendations contained within the ecological appraisal carried out by Calumma Ecological Service dated 6/11/2015 with any amendments agreed in writing by the Local Planning Authority and maintained thereafter;

Reason: To ensure no damage occurs to protected species or their habitat during any clearance or construction work and that adequate alternative habitats are available following the completion of development in accordance with the aims and objectives of the NPPF.

- (9) Prior to any works above dpc level, details of proposed renewable energy sources shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented prior to the occupation of any dwelling;

Reason: In the interests of sustainable development in accordance with the aims and objectives of the NPPF.

- (10) No development shall commence on site until a signed S278 Agreement, covering the public footpath extension along the east side of the A229, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interest of highways safety and sustainable travel in accordance with the aims and objectives of the NPPF.

- (11) No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development in accordance with the aims and objectives of the NPPF.

- (12) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area in accordance with the aims and objectives of the NPPF.

- (13) The development shall not commence until a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the residential amenity of future occupants in accordance with the aims and objectives of the NPPF.

- (14) Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed .

The drainage details submitted to the Local Planning Authority shall:
Include details of all sustainable drainage features; and
Specify a timetable for implementation; and
Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and Relevant manufacturers details on all SUDS features.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers in accordance with the aims and objectives of the NPPF.

- (15) The development hereby permitted shall be carried out in accordance with the following approved plans:

DHA/10167/03a Rev A and DHA/10167/03b Rev A and DHA/10167/04 Rev A and DHA/10167/05 Rev A and DHA/10167/06 Rev A and DHA/10167/07 Rev A and DHA/10167/08 Rev A and DHA/10167/09 Rev A and DHA/10167/10 Rev A and DHA/10167/11 Rev A and DHA/10167/13 Rev A and DHA/10167/16 Rev A; received on 30.10.2015 and DHA/10167/01 and DHA/10167/02; received on 3.08.2015.

Supporting documents include; PJC/3712/15/02/A 02 and PJC/3712/15/02/B 02; dated 20.07.2015 and PJC/3712/15/02/C 01; dated 30.06.2015 and Arboricultural Impact Assessment (3712/15/02) by PJC Consultancy; dated 20.06.2015 and Arboricultural Survey (PJC/3712/15) by PJC Consultancy; dated 26.05.15 and Bat Survey by Calumma Ecological Services; dated 23.07.2015 and Preliminary Ecological Appraisal by Calumma; dated 6.11.2014 and Reptile Survey by Calumma Ecological Services; dated 15.05.2015 and Phase 1 Desk Study by Lustre Consulting; dated July 2015 and Foul and Surface Water Management Strategy by RMB Consultants Ltd; dated July 2015 v.3 and DHA Transport Statement and Design and Access Statement; dated July 2015.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Case Officer: Andrew Jolly

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 19



15/507189 - Warmlake Farmhouse, Maidstone Road, ME17 3LR

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/507189/FULL			
APPLICATION PROPOSAL			
Erection of a new detached four bedroom dwelling, erection of a single garage and creation of new vehicular access.			
ADDRESS Warmlake Farmhouse Maidstone Road Sutton Valence Kent ME17 3LR			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However, the development is in a sustainable location, immediately adjoins an existing settlement, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such, the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE			
Departure from the development plan as it would constitute residential development in the open countryside. Sutton Valence Parish Council have requested that it is heard at Planning Committee.			
WARD Sutton Valence And Langley Ward		PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Mr John Mason AGENT DHA Planning
DECISION DUE DATE 03/11/15	PUBLICITY EXPIRY DATE 03/11/15		OFFICER SITE VISIT DATE 13/10/15
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
80/1673	Erect detached garage	PER	10/11/1980
07/2617	Erection of first floor side extension	WDN	
08/0442	Erection of first floor side extension (resubmission of MA/07/2617)	PER	23/4/08
11/2149	Extension to existing garage to include 4no additional bays	REF	22/2/12

1.0 DESCRIPTION OF SITE

- 1.1 This site is located to the south of Warmlake Farmhouse and is currently being used as part of the private garden to the existing house. Warmlake Farmhouse itself is a large two storey red brick building located to the west of Maidstone Road and approximately 140m north of the Warmlake crossroads. The existing house has a typical Kentish design, similar to other houses along this section of the road. It has a gabled roof and hung tiles to the northern extension.
- 1.2 The building is set back by 10m from the road with space for parking in front of the house and a single garage to the north west of the property. Properties along this road are generally arranged in the pattern of a ribbon development.

- 1.3 The site is largely flat in its topography and has a tree lined eastern boundary with a 1.8m high close boarded fence in front. The plot is irregular in its shape to the south in order to accommodate the large sycamore tree to the south of the site. To the rear of the site is an overgrown patio area, which is currently being used for storage.
- 1.4 There are no trees protected by TPO on or near to the application site and the closest listed building is the oast house, approximately 40m to the north. Warmlake Business Estate is located between the application site and the oast house.
- 1.5 The site is located within the open countryside, as defined by the Maidstone Borough Wide Local Plan 2000. No other designations apply to the site.
- 1.6 It must be noted that, on the opposite side of the road, ten large detached houses have recently been permitted at appeal under 14/0830 (APP/U2235/A/14/2228989). The Inspector found in this instance that the development amounted to a sustainable form of development in a sustainable location.

2.0 PROPOSAL

- 2.1 This proposal is for a single 4bed house adjacent to the existing farmhouse. The house would incorporate elements of vernacular architecture; red brick, tile hanging and a gabled roof with tiles to match Warmlake Farmhouse. In addition, this application seeks a single detached garage to serve the existing Warmlake Farmhouse.
- 2.2 It must be noted that during the process of this application, the proposed house has been reduced in scale at the request of MBC Planning. It has been set back by 1.5m from the road so as to lessen the impact from the south. In addition, the front projection was reduced in depth by 1.5m to reduce the prominence and better reflect the existing building line. The attached garage was changed from a double to a large single, which would see a reduction in width of 1.5m and the gable on the southern elevation was removed to further decrease the volume. It was also requested that the single storey garden room on the southern elevation was also removed in order to ensure the long term retention of the trees in the south of the site, which would no longer result in overshadowing to habitable rooms. This aspect of the proposal has also been amended by the applicant.
- 2.3 The front elevation, facing east, would have a ridge height of 8.5m. The left part of this elevation would have a gable end, which would be tile hung at upper storey. This gable end would be 5.5m in width with one window at upper storey and four narrow windows at ground floor. The set back part of this elevation would have one dormer window to the upper storey and one window at ground floor. The porch area would also be in this part of the elevation. A single garage would be on the right end of this elevation with a pitched roof, with the ridge set 1m below the main part of the house.
- 2.4 The hipped roof would be more evident to the north and south elevations. To the north elevation, there would be one window at upper storey, and this would be obscure glazed to the en suite bathroom. At ground floor, there would be one door to the side of the garage and two windows at ground floor. On the south elevation, there would be a patio door to the garden and two additional windows at ground floor. There would be four windows to the upper storey at this elevation, set within the hung tiles. The chimney would be visible from this location, extending 1.2m above the ridge height.

- 2.5 To the west elevation, the rear of the garage would be open. There would be one window to the rear of the garage element and a rooflight to the ensuite. The hung tiles would continue on the upper storey to the gable end, at the right end of this elevation. Two sets of patio doors would open on to the garden and three window would be at upper storey.
- 2.6 The proposed single garage to the south of the existing farmhouse would be set 2.6m behind the front building line of the existing house. It would be set 4m to the south of the house. It would have a pitched roof, which would reach a ridge height of 4.8m and an eaves height of 2.5m.
- 2.7 It is proposed that the entrance to the existing building is closed and the concrete apron removed. Native hedgerow is proposed to be planted and maintained to a height of 2m. A new 4.5m wide access point is proposed along Maidstone Road, which would be to the north of the proposed new dwelling. Resin bonded gravel would be placed in front of the proposed house and garage, with the existing pea shingle drive in front of Warmlake Farmhouse to remain.

3.0 PLANNING CONSTRAINTS

- 3.1 None relevant

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: ENV28 (Development in the Countryside); ENV6 (Landscaping, Surfacing and Boundary Treatment)

5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Sutton Valence Parish Council	The proposal would amount to overdevelopment of the site, the building line is not in keeping with the existing houses, poor access to the road, the building is too close to the building line. Wish to see it refused and will go to committee.
Residential Objections Number received: 2	Overdevelopment of the site, excessive scale and mass, erodes openness of the countryside, dangerous vehicular access, loss of trees in the future (privacy and wildlife/habitat concerns)
Residential Support Number received: 1	Does not amount to overdevelopment, would not be intrusive, would not create harm
Residential Comments Number received: 1	Questions the safety of access on the bend

6.0 CONSULTATIONS

KCC Highways: 25/9/15 No objection subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the new dwelling commencing
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to use of the new dwelling commencing.
- Use of a bound surface for at least the first 5 metres of the access from the edge of the highway as shown
- The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

MBC Conservation (2/10/15) No objection

MBC Landscaping Officer: (9/11/15): Whilst there are no arboricultural objections I can raise to the development proposal, the layout can be improved. I have two areas of concern:

- Future pressure for removal of existing trees, particularly those to the south/west of the proposed dwelling, for example the garden room will be permanently in shade.
- The lack of appropriate replacement tree planting to mitigate the loss of amenity along the frontage adjacent to Maidstone Road.

In response to the above, the proposal was subsequently amended (12/11/15) and the landscaping officer updated the response:

“No objection to the proposal subject to standard landscape conditions which specifically include the requirement for an Arboricultural Method statement with a tree protection plan and a schedule of any required access facilitation pruning.”

MBC Environmental Health: (2/10/15) No objection

KCC Archaeology: (5/10/15) No objection

Southern Water: (5/10/15 and 16/11/15) The exact position of the public sewers must be determined on site by the applicant. Suggested condition:

“The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to commencement of development”

Suggested informative:

“A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 3030119) or www.southernwater.co.uk”

7.0 BACKGROUND PAPERS AND PLANS

10844-T-01; DHA/10799/01; DHA/10799/02; DHA/10799/03 Rev B; DHA/10799/04 Rev B
DHA/10799/05 Rev B; DHA/10799/06 Rev B; DHA/10799/07

8.0 APPRAISAL

Principle of Development

- 8.1 This site is located in the open countryside, which means that Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (hereafter the Plan) is of relevance. This policy places a restriction on development in areas outside settlement boundaries, which this is.
- 8.2 National Policy, however, places its emphasis in favour of sustainable development. At Paragraph 49 of the NPPF, it states that, “housing applications should be considered in the context of the presumption of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”. As ENV28 in this instance is a policy relating to the provision of housing, its relevance needs to be balanced against the provision of housing.
- 8.3 From this, it is therefore important to assess whether (a) the proposed housing site should be considered ‘sustainable’; (b) there is a 5 year housing supply in the Borough, and; (c) there is anything else in the NPPF that needs to be considered on this site.
- (a) *Sustainability of the site*
- 8.4 One of the National Planning Policy Framework’s core planning principles seeks to “actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable”.
- 8.5 This site is located on one of the main roads leading out of Maidstone, with a bus stop located at Warmlake crossroads approximately 140m to the south of the proposed site.
- 8.6 It was held by the Inspector in the appeal decision for the site at ‘The Oaks’ in April 2015, directly opposite this application site, that although the nearest settlement of Sutton Valence was more than the recommended 400m walking distance, it was still accessible from the site being only 1km away. It was considered that the route would not be particularly dangerous because it would be along a pavement. Therefore, between the services on offer in Sutton Valence and Warmlake itself, future residents would be able to access a reasonable range of services on foot.
- 8.7 In summary, therefore, whilst I acknowledge that this site is outside of a settlement boundary, I would not consider the location of this proposal to be isolated, nor remote. It is set on a busy main road, which offers numerous houses and buildings in other uses. The Inspector considered that the location is within walking distance to the nearest bus stop at the Warmlake crossroads, which can be accessed by footpath on the opposite side of Maidstone Road. This would mean that future occupants would not have to be reliant on a private vehicle. It would not conflict with the aims and principles of the Framework in this respect.

(b) *Five year housing supply in MBC*

- 8.8 The National Planning Policy Framework states that “relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015.
- 8.9 Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 8.10 The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the National Planning Policy Framework as a whole.

(c) *Other considerations on the site*

- 8.11 Whilst the above indicates that this location would be considered a suitable site for one additional housing unit it is still necessary to assess the proposal against other requirements of the adopted Local Plan and NPPF. Namely:

- Visual Impact
- Residential Amenity
- Highways
- Landscaping

Visual Impact

- 8.12 The location of the proposed house has been amended throughout the planning process in order to maintain the existing building line along Maidstone Road. I consider that the amended proposal would ensure that the house would not appear incongruous in the setting. The houses are of consistent separation distances, with a similar distance from the roadside boundary.
- 8.13 Warmlake Farmhouse itself is only visible from Maidstone Road when almost directly adjacent to the house, travelling north. This is as a result of the existing tree line at the southern boundary of the application site, part of which is proposed to be retained as part of this development. Although some trees would be removed as a result of this proposal, a native hedgerow would be put in its place. I consider that this would offset the visual impact caused by the loss of trees along the roadside boundary and would, along with the re-erection of a section of 1.8m close boarded fence, screen the proposed development adequately from Maidstone Road.
- 8.14 The house would be more visible when travelling south along Maidstone Road, screened only by an Ash and the proposed hedgerow, but I would not consider the house to appear prominent in this location, as it would be set behind the existing Warmlake Farmhouse.

- 8.15 There are no public footpaths to any of the other boundaries that would be affected by the proposed development.
- 8.16 Although parts of the proposed house would be visible from Maidstone Road, I do not consider that this would have a detrimental impact on the streetscene by virtue of the design of the proposals. The proposed house would incorporate elements of vernacular architecture, including local materials. This is in accordance with the requirements of the NPPF with regard to high quality design.
- 8.17 The proposed single garage would be set between Warmlake Farmhouse and the proposed new dwelling. It would be visible from the proposed new junction, but I do not consider that it would appear imposing in this location. The materials proposed and the style of the building would appear sensitive in the location so that it would be subservient to Warmlake Farmhouse.
- 8.18 In summary, therefore, I would consider the layout and design of this proposal are appropriate in this setting so as to limit the visual impact of the development.

Residential Amenity

- 8.19 The proposed development has been carefully designed to ensure acceptable levels of residential amenity; the new dwelling would have reasonable levels of internal amenity space and a private garden space of a reasonable size.
- 8.20 The upper storey windows have been placed in order to reduce overlooking within the site, and separation distance between the neighbouring property of Cressy to the south and Westmead to the west would not result in a loss of amenity. Cressy, to the south is over 12m away from the proposed new dwelling. There is only one window to this elevation of Cressy, which is located in the roof of the property. By virtue of the reasonable separation distances between the properties and the limited number of windows, I do not consider that Cressy would be subject to a loss of amenity to habitable rooms or any other amenity space..
- 8.21 Westmead, to the west of the property would be 25m away from the proposed house, with a garage at the eastern boundary of the site. This is considered to be a reasonable separation distance between the properties so that it would not result in detrimental harm to the amenity of the occupiers of either property. Concerns have been raised that, should the trees be cut down in the future, then it would result in an unacceptable loss to privacy. I do not consider this to be the case, given the 25m separation between the houses.

Highways

- 8.22 The proposed development would require a new access point from Maidstone Road, and KCC have confirmed that they do not object to the proposals. The road frontage would be redesigned to incorporate a new access point; the existing access point to Warmlake Farmhouse would be closed.
- 8.23 Based on KCC Highway comments, I consider therefore that with the appropriate conditions attached, the amendments to the Maidstone Road frontage would be considered acceptable in terms of highway safety.

- 8.24 The parking arrangements and the internal turning area would be also be adequate for this scale of development.

Landscaping

- 8.25 *According to Saved Local Plan Policy ENV6,*

In appropriate cases, the Borough Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:

(1) Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and

(2) Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible native or near native shrub species.

- 8.26 The landscaping on the site has been retained and enhanced as far as possible. In response to concerns raised relating to the future possible cut back of trees (which are not subject to a TPO) due to the overshadowing caused in the living space to the proposed new dwelling, the south elevation has been reduced and the sun room removed in its entirety. This would mean that any rooms affected by overshadowing, would be dual aspect and therefore benefit from adequate light levels without the need to cut down trees. The MBC Landscaping Officer is satisfied that this approach would be appropriate on this site and therefore I conclude that the landscaping proposed on site has been adequately addressed.

9.0 CONCLUSION

- 9.1 Without a five year housing supply in Maidstone Borough, a proposed new dwelling in a sustainable location is considered to be acceptable against the National Planning Policy Framework.
- 9.2 The design of the house is appropriate in this setting; using vernacular architecture and being of a similar scale to its neighbouring properties. Although it would be visible from the road, the impact would be minimised by the landscaping proposals along the roadside boundary. The retention of the trees at the southern part of the site is supported, and this would reduce the impact on the neighbouring properties, whose daylight and sunlight would not be affected in any case by virtue of the separation distance.
- 9.3 Subject to the conditions, the proposed new access is considered to be acceptable and would not result in any highways concerns.
- 9.4 For the reasons set out above, I can therefore conclude that this proposal would be acceptable and in accordance with the provisions of the National Planning Policy Framework.

10.0 RECOMMENDATION – GRANT Subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/10799/01; DHA/10799/02; DHA/10799/03 Rev B; DHA/10799/04 Rev B; DHA/10799/05 Rev B; DHA/10799/06 Rev B; DHA/10799/07; 10844-T-01 P1

Reason: To ensure the quality of the development is maintained and to prevent harm to the open countryside

3. Prior to the commencement of the dwelling hereby permitted, an arboricultural method statement and tree protection plan must be submitted and approved in writing by the Local Planning Authority. A schedule of any required access facilitation pruning must be included. The provisions of the submitted arboricultural method statement and tree protection details must be strictly complied with throughout the course of development.

Reason: In the interests of tree protection and to ensure the quality of the development is maintained.

4. The development hereby permitted shall not be occupied until a scheme of landscaping has been submitted and approved, in writing, by the local planning authority. This should include details of any trees and planting to be retained together with measures for their protection in the course of development and a programme of maintenance. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surrounding and provides for adequate protection of trees.

5. No development above ground level shall take place until written details and samples of the materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing, by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance of the development.

6. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the reason of amenity.

7. Notwithstanding the provisions of the Town and Country Planning (general Permitted Development)(England) Order (or any order revoking and re-enacting that order with

or without modification) no extensions shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character of the open countryside.

8. Prior to the first use of the building hereby permitted, bat boxes shall be installed in the eaves, the details of which shall first be submitted to, and approved in writing by the Local Planning Authority;

Reason: In the interests of biodiversity.

INFORMATIVES

1. Planning permission does not convey any approval for construction of the new vehicular crossing proposed, or any other works within the highway, including closure of the existing access. A statutory licence must be obtained and applicants should contact Kent County Council - Highways and Transportation (web www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack. It is likely that in order to ensure satisfactory standards for the redesign of this road frontage (over approximately 50m in length), that the applicant will need to enter into a S278 agreement with this authority, should this application be approved.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
3. A formal application for connection to the public sewage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 0330 3030119) or www.southernwater.co.uk
4. The surface to the entrance of the site must be a bound surface for at least the first 5 metres of the access from the edge of the highway, as shown by the plans. The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Case Officer: Flora MacLeod

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



15/507703 - 3 The Bungalows, Church Street, ME185AH

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/507703/FULL			
APPLICATION PROPOSAL Loft conversion with 3 No. rooflights to front elevation and small pitched roof dormer with 2 No. rooflights to rear elevation			
ADDRESS 3 The Bungalows Church Street Teston Kent ME18 5AH			
RECOMMENDATION APPROVE SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
REASON FOR REFERRAL TO COMMITTEE Objection from Parish Council who requested that the application be reported to Committee.			
WARD Barming	PARISH/TOWN Teston	COUNCIL	APPLICANT Mr Sam Older AGENT Essan-K Planning Ltd
DECISION DUE DATE 19/11/15	PUBLICITY EXPIRY DATE 27/10/15	OFFICER SITE VISIT DATE 21/10/2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
07/0128	Loft conversion with the insertion of two front dormer windows at 2 The Bungalows	Refusal	14.03.2007
<p><i>Summarise Reasons:</i> (1) The installation of the dormer windows, by virtue of their cramped and unbalanced appearance, would complicate and do harm to the distinctive character and simple appearance of the dwelling and would upset the balance, unity and symmetry of the group of four bungalows which contribute positively to the conservation area. The development is therefore contrary to policies ENV2, H18 and ENV13 of the Maidstone Borough-Wide Local Plan 2000 and policies QL1, SP1 and QL6 of the Kent & Medway Structure Plan 2006.</p> <p>(2) The proposal, by virtue of the south facing dormers that would directly overlook a habitable room, would not respect the privacy of the occupants of the dwelling directly to the south. The development is therefore contrary to policies ENV2 and H18 of the Maidstone Borough-Wide Local Plan 2000 and policy QL1 of the Kent & Medway Structure Plan 2006.</p>			

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is comprised of a detached bungalow that dates from the 1920s/1930s. The dwelling forms part of a group of 4 similar bungalows that are located to the northern side of Church Street, close to the junction with The Street and within the village of Teston. Collectively, these four properties are known as The Bungalows.
- 1.02 The southern flank elevations of nos.1 and 4 The Bungalows front onto Church Street and there is a vehicular crossover between these dwellings that provides access for all four properties. Nos. 2 and 3 The Bungalows are situated towards the

rear of the site. The layout of the properties is such that the front elevations of nos. 1 and 4 directly face one another. The front elevation of nos.2 and 3 are on the southern end of the properties and they directly face the northern flank elevations of nos.1 and 4. It would appear that no.2 has been the subject of a loft conversion as roof lights have been inserted on the front roof slope.

- 1.03 Broadly speaking, The Bungalows in its entirety is rectangular in shape with the frontage onto Church Street being 27m in width and the entire depth of the site being approximately 40m, with each unit occupying roughly a quarter of the site area. The front boundary of the site is marked by a stone boundary wall of approximately 1m in height together with a variety of soft landscaping.
- 1.04 Turning to the application site, this occupies the north eastern corner of the site. The dwelling has a courtyard style garden to the rear and this measures 14.4m in width and has a maximum depth of 4.4m. At some point in the property's history, a conservatory/sunroom extension has been added and this measures 2.5m in depth and 3.9m in width. The existing floor plans indicate that the present accommodation provides a lounge, kitchen, 2 bedrooms and a bathroom.
- 1.05 The land levels to the rear of The Bungalows rise quite steeply and as such, the northern boundary of the application site is comprised of a brick retaining wall topped with a wooden boundary fence relating to the dwelling to the rear. Together, these have a total height of approximately 4m. The eastern boundary is marked by a brick wall of approximately 4m in height.
- 1.06 Off street parking is provided to the front of the dwelling.
- 1.07 In terms of the surrounding area, this is characterised by a variety of residential dwellings together with a village store, church, and a social club. This part of Teston is designated as a conservation area and therefore the age and appearance of the majority of the buildings is such that the area has a distinctive character that merits protection.

2.0 PROPOSAL

- 2.01 This application proposes to convert the existing loft space of no.3 The Bungalows to habitable rooms. This will require the erection of a dormer window on the rear of the dwelling together with the insertion of 2 rooflights on this elevation and 3 rooflights on the front elevation. The accommodation will provide 2 additional bedrooms and a bathroom.
- 2.02 The dormer window is designed with a gabled roof and would be positioned 0.2m below the ridge line of the existing property and 0.6m above the eaves level. The dormer measures 2m in width and has a height to eaves of 1.8m and a maximum height of 2.95m. The dormer will be clad in tiles to match the existing property. The floor plans indicate that the dormer window will provide space for a staircase to access the proposed accommodation. This will also require an existing window on the rear elevation to be infilled with bricks to match the existing property. All rooflights are noted on the plans to be Velux conservation windows.

3.0 PLANNING CONSTRAINTS

- 3.01 The application site is located within the Teston Conservation Area wherein there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

- 3.02 No.1 Church Street directly to the eastern boundary of the application site together with the adjoining property at no.2 are grade II listed.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: Maidstone Borough Wide Local Plan (2000): Extensions to Residential Properties - Policy H18.

Supplementary Planning Documents: Residential Extensions (2009).

5.0 LOCAL REPRESENTATIONS

5.01 **Neighbour Notifications:** No comments received.

5.02 **Site Notice:** No comments received.

6.0 CONSULTATIONS

6.01 **Teston Parish Council:** MBC's decision MA/07/0128 was for 2 The Bungalows and was for the installation of 2 front dormer windows. It was refused. Velux windows have since been installed at number 2 to make the loft space usable, but have not changed the profile of the bungalow or effectively expanded the occupancy potential. This latest application would facilitate considerable expansion of living space at number 3 and therefore potential occupancy, with probable external complications arising from the very restricted parking space for each of the four bungalows. The increased habitable space/occupancy potential might also remove the availability of this dwelling from the single occupancy/retirement markets. We assume the current Conservation Officer would have similar reservations to the above with this application for no.3, as the proposed dormer would overlook a neighbouring property, and depending on height of installation, the front Velux windows would overlook number 4 and to some extent no.1. We would therefore request that this application be refused for reasons similar to those cited in the 2007 decision for no.2.

6.02 **MBC Conservation Officer:** The Bungalows comprise a group of four single storey dwellings dating from circa 1920-1930. Whilst not unattractive, they do not add significance to the conservation area. No.3 lies behind one of the other bungalows. Other bungalows in this development have had similar alterations and those currently proposed will not cause harm to the significance of the conservation area. I therefore raise no objections to this application on heritage grounds subject to conditions re samples of materials and compliance with submitted plans.

6.03 **Kent County Council Archaeological Officer:** No comments.

7.0 BACKGROUND PAPERS AND PLANS

7.01 This application is accompanied by the following:

- Application form;

- Design and Access Statement;
- Drawing no.564-01 Ground Floor Plan Existing
- Drawing no.564-02 Elevations Existing
- Drawing no.564- 03 Elevations Proposed
- Drawing no.564-04 Ground Floor Plan Proposed
- Drawing no.564-05 Loft Floor Plan Proposed
- Drawing no.564-08 Site and Block Plan Existing
- Drawing no.564-09 Site and Block Plan Proposed

8.0 APPRAISAL

Principle of Development

- 8.01 In assessing the principle of this development, I am mindful of the issues raised by the Parish Council wherein it was suggested that the expansion of occupancy potential of 3 The Bungalows would remove the dwelling from the single occupancy/retirement markets. The Parish Council note that Velux windows have been added to no.2 The Bungalows to make the loft space usable but have not changed the profile of the bungalow or effectively expanded the occupancy potential.
- 8.02 In establishing the appropriateness of the principle of this proposal, I consider that it is necessary to balance the comments of the Parish Council against the applicable planning policies as well as the fall back position of permitted development if this application were to be refused.
- 8.03 Planning law requires that every planning application should be determined in accordance with the adopted development plan. The NPPF also requires that there should be a presumption in favour of sustainable development, that is, development that meets the needs of present and future generations. Thus in terms of the principle of this submission, Policy H18 notes that the Borough Council will permit extensions and additions to residential properties subject to being acceptable in respect of design, impact on character of the locality; the amenities of the adjacent householders; and adequate parking provision. There is no specific policy against the conversion of loft spaces or extension of bungalows.
- 8.04 In addition to the above, I am also mindful of the fact that a loft conversion could take place without the need for planning permission if the proposed rear dormer window were removed from the plans. The insertion of rooflights would not require planning permission provided that they did not project beyond the plane of the roof slope by more than 150mm. As the dwelling is not a listed building, any internal alterations would not require planning consent. It would appear that following the refusal of planning permission for the front dormer windows at no.2 The Bungalows, a loft conversion has taken place through the use of permitted development rights.
- 8.05 In the absence of a specific policy against this type of development and in light of Policy H18 and the permitted development fall back position, I believe the principle of this proposal to be acceptable.

Visual Impact

- 8.06 As noted in the description of the site, the application property is located to the north eastern corner of the site. In view of the layout of the four properties within The Bungalows, no.3 is not greatly visible from Church Street as it is located behind no.4.

- 8.07 The proposed rooflights to the front of the property are noted on the plans as being conservation rooflights and these are designed to be sympathetic of the conservation area setting. As noted previously, similar rooflights have been installed at no.2 The Bungalows.
- 8.08 Turning to the proposed dormer, this will not be visible in the general views of the locality given it will be situated towards the centre of the rear roof slope. The land levels to the rear of the site rise quite steeply and therefore the dormer will not be visible from this viewpoint. The Supplementary Planning Document on Residential Extensions (SPD) notes that loft extensions are preferred on the back elevation of a property to preserve the character of the street. New dormers will not be allowed on front elevations in streets where there are none already. Where acceptable, dormers should be proportionate in scale to the roof plane. They should never project above the ridge line and should be set back a minimum of 20cm from the eaves to maintain the visual appearance of the roof line. The dormer proposed in this case meets these criteria.
- 8.09 In their comments on this application, the Parish Council suggest that this submission should be refused for similar reasons to the 2007 refusal at no.2 The Bungalows. However, this application involved the addition of 2 dormer windows to the front elevation of the dwelling. Essentially, the issues involved are different in the sense that the dormers would have dominated the principal elevation of the dwelling due to their location and would have undoubtedly impacted upon the character of The Bungalows in general. The Parish Council suggest that the rooflights that have since been installed on the front elevation of this property do not change the profile of the bungalow and I would agree with this assertion.
- 8.10 In conclusion on this issue, I believe there will be little visual impact as a result of this proposal. The assessment of any proposal within a conservation area must pay due regard to the potential impacts upon the special character and appearance of the locality. In this case, the Council's Conservation Officer has raised no objections to this application and I agree with his comment that this proposal will not cause harm to the significance of the conservation area.

Residential Amenity

- 8.11 Policy H18 specifies that residential extensions will only be acceptable if (amongst other criteria) they respect the amenities of adjoining residents regarding privacy, daylight, sunlight and maintenance of a pleasant outlook. Furthermore, the SPD notes that any dormer/roof extension that results in unacceptable overlooking of a neighbouring property will not be allowed.
- 8.12 The objection received from the Parish Council puts forward the view that the proposed rear dormer and the roof lights to the front of the dwelling will facilitate overlooking of neighbouring properties. The floor plans submitted with the application indicate that the rear dormer window will relate to a staircase. In considering this proposed use and the relationship with no.2 The Bungalows and no.1 Church Street, I believe there is unlikely to be an unacceptable loss of privacy or amenity for these neighbouring householders. The dwelling to the rear is on a much higher ground level and the height of the retaining wall and fence along this boundary will ensure that no overlooking occurs. Whilst the proposed rooflights will relate to habitable rooms, I am of the opinion that their positioning is such that it would be difficult to overlook a neighbouring property. Furthermore, I believe this issue needs to be balanced against the fact that such windows can be installed without the need for planning permission.

- 8.13 In reaching this viewpoint I am mindful that no objections have been received from neighbouring householders. The nature of The Bungalows is such that the properties are positioned in quite close proximity to one another. However, I believe that the design of this proposal will not result in an unacceptable relationship with the neighbouring properties. Therefore I conclude that the amenities of neighbouring householders are unlikely to be compromised to the extent that merits a refusal.

Highways

- 8.14 The nature of this application is such that it does not require a referral to Kent Highway Services for comment. However, I note from the history of The Bungalows that the previous refusal at no.2 did not refer to a lack of parking and indeed, at this time it was noted that the site is in close proximity to good public transport links into Maidstone.
- 8.15 The space to the front of the dwelling is suitably sized to provide off-street parking for 2 cars. I note the Parish Council's concerns regarding the restricted nature of The Bungalows due to the layout of the properties however, I believe that the available parking space together with the proximity of public transport would make it difficult to substantiate a refusal based on this ground.

9.0 CONCLUSION

- 9.01 In balancing the issues of this case, I am conscious of the concerns of the Parish Council; the need to protect the visual qualities and character of Teston Conservation Area together with safeguarding the amenities of the neighbouring householders. In assessing this submission against the relevant planning policies and guidelines together with the fact that much of this proposal could be achieved through the use of permitted development rights, I believe it is appropriate to make a recommendation of approval.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with drawing numbers; 564-01 Ground Floor Plan Existing; 564-02 Elevations Existing; 564- 03 Elevations Proposed; 564-04 Ground Floor Plan Proposed; 564-05 Loft Floor Plan Proposed; 564-08 Site and Block Plan Existing; 564-09 Site and Block Plan Proposed; Design and Access Statement

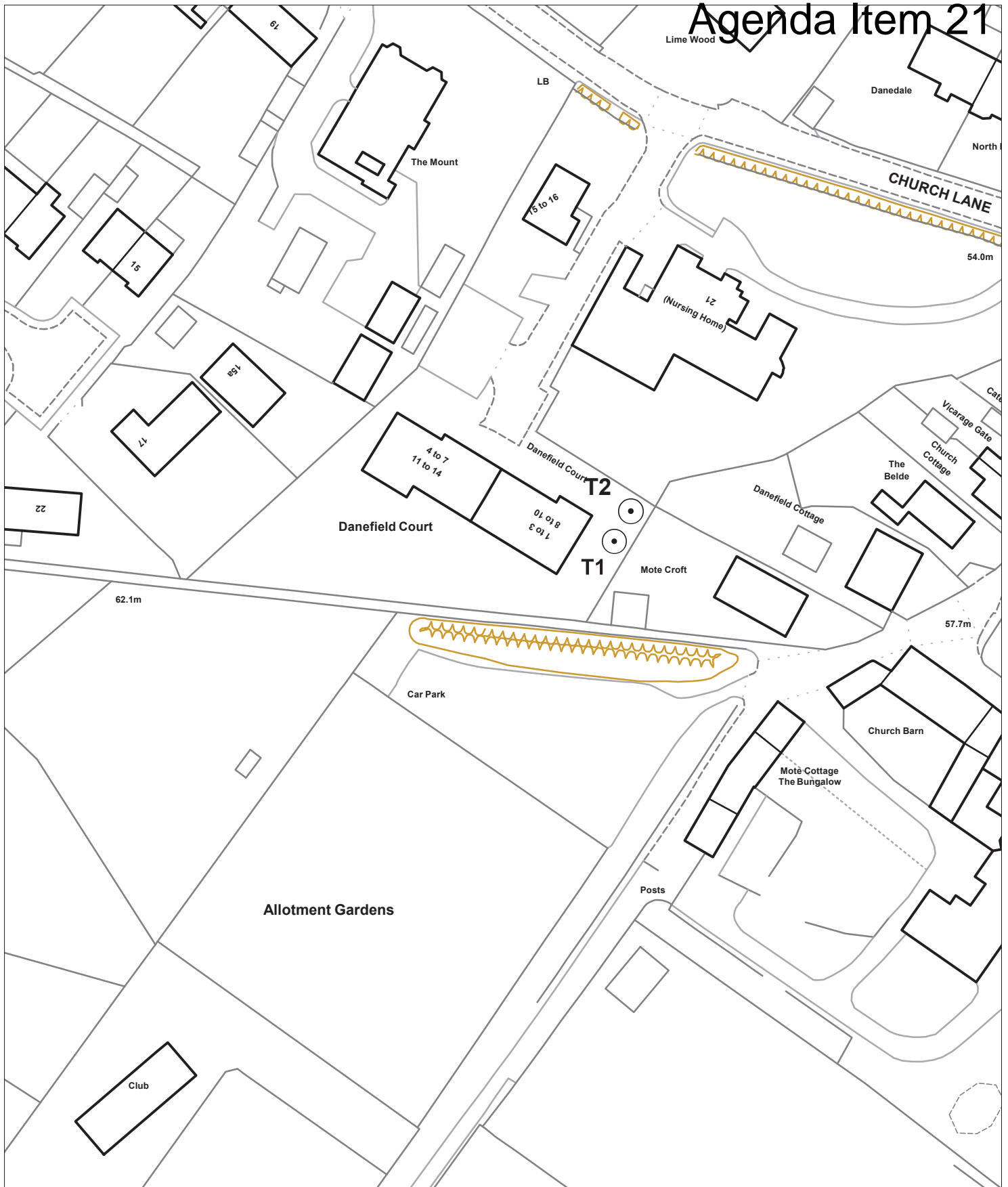
Reason: To ensure the quality of the development is maintained.

3. Prior to the commencement of any works to the exterior of the property, details and samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in complete accordance with that approval.

Reason: To ensure that the quality of the development is maintained.

Case Officer: Georgina Quinn

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5052/2015/TPO
Danefield Court, Church Lane, Bearsted, Kent ME14 4EF

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**Maidstone Borough Council
PLANNING COMMITTEE
10 December 2015**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5052/2015/TPO**

Danefield Court, Church Lane, Bearsted, Kent

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to Confirm without modification Tree Preservation Order No. 5052/2015/TPO to which an objection has been received.

FOR DECISION

RELEVANT PLANNING HISTORY

TA/0168/08 - Notification of intention to reduce by 15% and crown thin by 10% 1 Lime and 1 Sycamore and remove 3 lower branches of 1 Silver Birch. Raised no objection 16 February 2009

15/502263/TCA - Conservation area notification to fell one Maple and to pollard one Lime and one Sycamore at a height of six metres. Split decision: Raise no objection to felling of Maple; Make a Tree Preservation Order in respect of the Lime and Sycamore. 24 June 2015

15/506811/TPO - TPO application to 1no Lime and 1no. Sycamore tree - pollard to a height of 6 metres. Refused 6 November 2015

15/506847/TPO - TPO application to 1no Lime tree - cut back up to a height of 15ft. This work is to be done annually. Permitted with conditions 16 November 2015

SUMMARY TPO INFORMATION

TPO Served (Date): 24 June 2015	TPO Expiry Date 24 December 2015
Served on: Nos. 1-16 Danefield Court, Church Lane, Bearsted, Kent, ME14 4EF	

Copied to: GIS Team Parish Council Land Charges Team Planning Applications Unit		
Representations	Support:	Objections: one

BACKGROUND

The Lime and Sycamore trees subject to this Tree Preservation Order are located in the grounds of Danefield Court, a development of residential accommodation with communal gardens. The site lies within the Bearsted (Holy Cross) conservation area.

The Lime is a large, mature tree, clearly visible from Church Lane and the Car Park to the rear of Danefield Court. It currently reaches a height of around 18m and has an estimated stem diameter (dbh) of 80cm and radial crown spread of 4m. It has been reduced in the past (reported by the owners as 6 years ago, which is consistent with the timing of TA/0168/08 above) at a height of around 15m, and has been crown lifted to around 6 metres.

The Sycamore is also a large, mature tree, clearly visible from Church Lane. It currently reaches a height of around 16m and has an estimated stem diameter (dbh) of 70cm and radial crown spread of 5m to the north side, but less to the south due to competition with the adjacent Lime. It has been reduced similarly in the past at a height of around 14m, and has been crown lifted to around 6 metres.

The conservation area notification 15/502263/TCA stated that the owner's tree surgeon had recommended pollarding the two trees at 6 metres height as decay is present in old pruning wounds. However, no evidence was provided to indicate the position or extent of any decay and ground level, visual inspection did not reveal any significant defects to suggest that the severe pollarding proposed was necessary due to decay.

It was considered that pollarding at 6 metres would leave very little foliage, create very large topping wounds on the main stems and have a significant detrimental effect on the contribution that the trees make to amenity and local landscape quality, reducing them significantly in size to little more than tall stumps of about one third of their current height. The works would not have been in accordance with the recommendations of BS3998:2010 'Tree work - Recommendations'. It was considered that the proposal was not in accordance with current good practice, and that it would be inappropriate arboricultural management which would have had a significant detrimental impact on the long term health and amenity value of the trees.

The trees were therefore made the subject of a Tree Preservation Order, as this is the only mechanism by which the Local Planning Authority is able to prevent works proposed in a conservation area notification.

OBJECTIONS AND CONSULTATIONS

An objection to the TPO was received from the Danefield Court Resident's Association and signed by a number of residents. The reasons for objection are set out below, with the response to the objection being made in italics.

"We are not asking to remove the trees although the Lime tree would probably benefit if the Sycamore was reduced or removed. The Sycamore cannot be seen from the Church Landway area or Church Lane and we have many trees in the area. Trees in 21 Church Lane property can be seen above the roof of our flats."

This report is concerned with the confirmation of the Tree Preservation Order and not the merits of a proposal to reduce the trees. The visibility of the trees from public viewpoints is a material consideration in making and confirming TPOs. The Sycamore is less visible than the Lime from the Church Landway area and Church Lane due to it being behind the Lime from these viewpoints. However, it is still partially visible. Importantly, as the two trees having grown together, they should be considered as a group for the purposes of their management; they currently enjoy the shelter provided by each other and would be more susceptible to crown breakage or windthrow in severe weather if, for example, one was removed or significantly reduced and the other not.

"When planning permission was given to build flats in the garden of Danefield Nursing Home (now 21 Church Lane) the trees were not a problem whilst in their garden but as they have increased in size they are a problem to our flats.

T1 and T2...are only 8ft apart, 23ft from our flats and 4ft from our neighbour's fence. He is concerned as more than half the tree overhangs his garden. T2 is only 3'10" from our Holly Tree"

The close proximity of mature trees to buildings and trees overhanging gardens can cause apprehension to occupiers. This in itself is not considered to be justification to fell, or carry out arboriculturally inappropriate works to trees of perceived amenity value. It is not stated what the specific problems or concerns of the residents and neighbour are. However, there is currently a reasonable spatial relationship between the trees and adjacent buildings such that there is no risk of direct damage from contact by branches.

If trees exhibit defects to indicate potential failure hazard, this can be addressed with works proportional to the risk identified. In this case, no evidence of any such risk has been provided or observed, other than possible (unconfirmed) decay at previous pollard points high in the crown; the severe pollarding proposed in the original conservation area notification is considered a disproportionate and excessive response to such a defect and the making of a TPO was appropriate on that basis. The confirmation of the TPO would not prevent works to address any hazards identified as these can be dealt with via an application or, where urgently necessary, as an exception to the tree preservation regulations.

“On our northern boundary there are 4 Sycamores and other large trees in 21 Church Lane. On our western boundary near the car park fence there are 3 Sycamores belonging to The Mount. We pull up numerous Sycamore seedlings every year and the trees in this area have tar spot on the leaves.”

There are other trees in the area and generally speaking, the lower the number of trees present in an area, the greater the perceived value of those present becomes. In this case, it is considered that the Lime and Sycamore make a valuable contribution to the character and amenity of the conservation area. Their loss (or inappropriate pruning) would be a significant detriment to the local landscape character and their continued protection by a TPO is therefore recommended.

The Sycamore subject to this TPO will contribute to the problem of Sycamore seedlings. It is acknowledged that this is inconvenient, but is not considered to be so severe that confirming the TPO would not be appropriate. Tar spot on Sycamore is a common problem caused by a fungi but is largely cosmetic and has little effect of tree health.

“On 24/12/13 after strong winds during the night two fir trees fell on to our car park resting on two cars and preventing any cars from moving until Tanton's tree surgeons came to help remove them. On 15/02/14 a very large fir tree fell covering our car park area damaging cars. Once again tree surgeons had to come and use chain saws and lifting equipment for us to gain access to our property. Emergency vehicles would not have been able to gain access to the property.

We all have to be over 55 years to live here and some of our residents are over 90 years and need the help of carers daily.

I hope that you understand that we are now more aware of the height of these trees and the danger to our residents, severe damage to our property and our neighbours property due to the height and weight of these trees.

We wish for you to consider whether the Order should be confirmed.”

The particularly strong winds in combination with waterlogged ground from prolonged heavy rain resulted in an unusual number of tree failures locally on 24 December 2013. Our experience was that, almost exclusively, the failures were restricted to conifers and Eucalyptus. This extreme weather event affected large numbers of trees across the south east and is not an indication that the trees on this site are at an elevated risk of failure due to, for example, specific ground conditions in this location. The failure of other trees (some of which might have failed for reasons in addition to the severe weather) is not an indication that the Lime and Sycamore present an abnormal risk. Having large trees fail on your property will understandably increase the perception

of the potential hazard that they pose, but this does not make it reasonable to want to remove risk entirely.

APPRAISAL

The grounds for objection do not raise any issues or provide any new evidence to suggest that it was inappropriate to make the trees the subject of a TPO, or that they should not continue to benefit from ongoing protection by confirming the TPO.

Any need or desire to carry out works to the trees would need to be the subject of a TPO application in future as a result, but this is free and not significantly more onerous than the notification previously required for works to trees in a conservation area. Furthermore, where a tree owner is aggrieved by a refusal of an application for works under a TPO application, they have a right of appeal, which does not exist for conservation area notifications.

In this case, a TPO application (15/506811/TPO) for the same pollarding works to the trees has already been submitted. This has been refused under delegated powers. At the time of writing, no appeal has been received. A TPO application 15/506847/TPO) has also been submitted by the neighbour at Mote Croft, to regularly remove lower branches from the Lime. This has been approved.

In conclusion, the making of a TPO was appropriate response to the pollarding works proposed, as the only mechanism possible to prevent inappropriate works to trees in a conservation area. The owners' desire to prune the trees in such a manner continues, in the absence of any evidence to demonstrate the need for such a severe course of action. It is therefore recommended that the Tree Preservation Order be confirmed, without modification.

RECOMMENDED

Confirm Tree Preservation Order No 5052/2015/TPO without modification.

Contact Officer: Nick Gallavin

Head of Planning Services

Appendix: TPO Schedule for 5052/2015/TPO (TPO plan on front of this report)

Appendix
TPO Schedule

SCHEDULE

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Lime	Eastern boundary
T2	Sycamore	Eastern boundary

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 10th December 2015**

APPEAL DECISIONS:

1. 13/1797

Outline application with all matters reserved to develop the site for residential (approximately 89 dwellings) with open space, access road and biomass heating plant

APPEAL: Dismissed

Lordswood Urban Extension, Gleamingwood Drive, Lordswood, Kent

(Delegated)

2. 15/503359

Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

APPEAL: Allowed with Conditions

Land East Of
Gleamingwood Drive
Lordswood
Kent

(Delegated)

3. 14/502009

Outline planning application for a residential development of 40 dwellings and associated works with parking, public open space, access road and pedestrian links with access considered at this stage and all other matters reserved.

APPEAL: Dismissed

Land South Of Court Lodge, Court Lodge Road
Harrietsham, Kent

(Committee)

4. 15/502638

Two storey front and side extension, create bay to lounge and erection of single storey rear extension.

APPEAL: Dismissed

9 Mallings Lane, Bearsted, Kent, ME14 4EY

(Delegated)

5. 14/505696

Construction of new single storey house and Garage

APPEAL: Dismissed

Land Opposite Wild Acres, Caring Lane, Leeds, Kent, ME14 4NJ

(Delegated)

6. 14/503728

Erection of two storey detached dwelling following removal of existing mobile home.

APPEAL: Dismissed

Army Hut Farm Stables, Stockett Lane, East Farleigh, Kent, ME15 0QG

(Delegated)

7. 15/501557

Erection of part two storey and part single storey rear extension

APPEAL: Allowed

20 Maple Avenue, Maidstone, Kent, ME16 0DD

(Delegated)

8. 13/1783

Change of use of land to a site for 20 log cabins to be used for holiday lettings with hardstanding and associated works (resubmission of MA/12/1361).

APPEAL: Dismissed

Land North Of The Finches Caravan And Camping Park, Chartway Street, East Sutton, Maidstone, Kent, ME17 3DU

(Delegated)
